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- Art. I. 1. *The Hebrew Wife, or the Law of Marriage examined in relation to the Lawfulness of Polygamy, and to the extent of the Law of Incest.* By S. C. DWIGHT. *With an Introductory Recommendation.* By RALPH WARDLAW, D.D. Gallie: Glasgow.
2. *Marriage Act (5th and 6th of William IV. chap. 54), commonly called Lord Lyndhurst's Act. 'Reasons in support of an application to the Legislature for an Act declaring that Marriages with a deceased Wife's Sister are not within the prohibited degrees, and shall therefore be valid.'*
3. *Considerations on the State of the Law regarding Marriages with a deceased Wife's Sister.* By a Barrister of the Middle Temple. Longman and Co.
4. *Summary Objections to the Doctrine that a Marriage with the Sister of a deceased Wife is contrary to Law, Religion, or Morality.*
5. *Observations on the Prohibition of Marriage in certain cases of Relationship by affinity.*
6. *The Present State of the Law as to Marriages abroad between English Subjects within the prohibited degrees of affinity.* Seeley and Burnside.

MARRIAGE was antecedent to all law; and arose out of the necessity of man's condition, as a being who was to live and enjoy the physical and moral advantages of his existence by the continuation of his species.

The law which invested marriage with the sanction of heaven was announced in Paradise, and from that period has been a binding obligation upon all the families of the earth. It is simple and of universal application. It has never been the creature of circumstances, but has remained invariable and un-

changeable; the basis of society, the only foundation on which it immovably rests, the source of its increase, and the one great instrument of its prosperity and happiness. Chastity, the parent of love, and love the guardian of chastity, and both the source of pure thoughts and holy affections, delight to wear the golden chain of marriage,—they entwine themselves around the principle of consanguinity—from which spring forth the social virtues which are indebted not only for their beauty and energy but for their very existence to the sacredness of this union. The deterioration of marriage has been the deterioration of man, in all his capacities and relations. The law of marriage, as originally promulgated, was intended to embrace two objects; the universal adoption of the practice, and the unmixed purity of the relation as subsisting between the husband and the wife. The legality or the illegality of marriage within certain degrees of consanguinity became, long after its existence, the conventional affair of states. The morality or the immorality has always depended upon the will of God, either as expressly revealed in his word, or as it may be gathered from the light of nature, or the law written upon the heart, which becomes increasingly legible as our nature advances in intellectual and social improvement. Where these laws, namely the laws of states and the laws of God, are said to be identical, or believed to be so, or where the human are declared to be expressly derived from the divine, we have no alternative as Christians but to obey them; that is, if we are convinced that the statement is just, and that the human legislation is indeed based upon divine authority. This, as it regards the Canon and Statute laws of our own country, we think cannot be established; nay more, we are persuaded that the whole weight of proof is in the opposite scale.

We affirm that there has been no subsequent law to that originally announced obligatory upon mankind or binding upon Christians, which interferes with the state of marriage, except so far as to restore its inviolable sanctity, and to enforce its mutual duties. We admit that the Levitical law is a divine institution, and that it does tolerate changes in the law of marriage materially affecting the other social relations of life, but we maintain that it was intended for the government of one people—that it was applicable to them alone, and that it is of importance as affecting mankind in general only so far as it inculcates an immutable and universal morality; and that while we may profitably derive instruction from an investigation of its principles and a voluntary application of them to any given circumstances of our own, we are not required to submit to its authority, or to acknowledge ourselves bound by its peculiarities or amenable to its sanctions. We are, however, free to ac-

knowledge that even in its peculiarities the Levitical law has not so far trenched upon the law of nature by imposing novel and arbitrary restrictions as is generally and ignorantly believed. It is for its *concessions* and *indulgence* on the subject of marriage rather than its *harshness* and *restraints*, that the Levitical code is chiefly remarkable. Those who contend for its abiding and universal obligation would obtain far less by their motion than they imagine, even could they succeed in compelling us all to pass under the Jewish yoke. The truth is that the Judaical law of marriage is little understood by those who profess to hold it in the greatest veneration.

But supposing that all the prohibited degrees, within which we are told it is not lawful for Christians to marry, were every one to be found in the Jewish law, our plain answer would be, we are willing to be instructed by Moses as well as by other legislators, as to what is expedient on this or any other grave subject affecting our social well being. But the only law to which we reverentially defer is that which God has equally imposed upon the whole human family, and which is equally applicable to them all in their infinitely diversified circumstances of illumination and ignorance, of civilization and barbarism. They may not all in every particular read it aright—there may be circumstantial, minute, and unimportant differences in their application of it to themselves, but among them all none will be found to have stumbled on anything so absurdly wicked as the prohibitory regulations professedly derived by Christian Canonists from the Judaical Institutes.

As there has been much superstition, much priestcraft, and, as we think, gross immorality mixed up with the law of marriage, and which prevail to a great extent in the Canons, and supposed to be sanctioned by the statute law of this Protestant country, in order to put our readers in full possession of the subject, and to prepare the public mind for those beneficial changes which enlightened public opinion firmly expressed can alone obtain, we shall briefly examine the divine law of marriage as applicable to all mankind—the same law adapted and restricted to the civil and ecclesiastical polity of the Jews—the perversion and abuse of this code by the church of Rome—the modifications in both produced by the reformation in England, or subsequently arising out of it—the change effected in the law by Lord Lyndhurst's Act; and the present unsatisfactory state in which he has left it.

The original law of marriage, with the occasion of its promulgation, is thus recited in the second chapter of Genesis: 'And the Lord God said, it is not good that the man should be alone, I will make an helpmeet for him. And the Lord God brought the woman unto the man, and Adam said, this is now

‘bone of my bone, and flesh of my flesh, she shall be called woman, because she was taken out of man. Therefore shall a man leave his father and his mother and cleave unto his wife, and they shall be one flesh.’

The comment of our Saviour on this law, in the nineteenth chapter of Matthew, will help us to explain it. The Pharisees tempting him, inquired, ‘Is it lawful for a man to put away his wife for every cause?’ To this he replied, ‘Have ye not read that he who made them at the beginning made them male and female, and said for this cause shall a man leave his father and his mother and shall cleave unto his wife, and they twain shall be one flesh; what therefore God hath joined together let no man put asunder.’ On both these passages, the text and the commentary, Mr. Dwight makes the following pertinent and explanatory observations.

‘1. The words ‘for this cause shall a man leave his father and his mother, and cleave unto his wife, and they twain shall be one flesh,’ were not, as some have supposed, the words of Adam, but were uttered by God. The language of Christ is, ‘He who made them at the beginning said, For this cause,’ &c. The maker of Adam therefore, and not Adam said this; and the thing uttered was not a prediction of Adam, but a command of God.

‘2. This is the great original law of marriage, binding on the whole human family. It was not a part of any ceremonial law, or of the national law of Israel; but was promulgated at the original institution of marriage to the first parents of mankind, as the representatives of the whole race. Men and women about to contract marriage were the only beings, and the very beings on whom it was binding. By the terms of it Adam and Eve were personally exempted from its operation, since they were already married, and Adam had no father or mother whom he could leave. It was made, therefore, for their posterity; and since in its binding force on them there are no restrictions nor limitations, it was clearly given to bind the whole human family. On this point the comment of Christ is express. The Jews inquire of him whether it was lawful for a man to put away his wife for every cause. In his reply he admits that Moses, *for the hardness of their hearts*, allowed divorces in certain cases, but asserts that *in the beginning it was not so*. He then declares that, except in the single case of incontinence, it is not lawful for a man to put away his wife, and marry another, and assigns four reasons for it—first, the fact that God originally created but one man and one woman, and joined them in marriage; and thus expressed his own pleasure that marriage should subsist between one man and one woman: second, that at the time God instituted marriage he declared, ‘For this cause shall a man leave his father and his mother, and cleave unto his wife; and they twain shall be one flesh’ (which in the nature of things cannot mean a personal but a virtual identity): third, that that is the reason why two married persons are no more twain, but one flesh: fourth, that all

who are united in marriage are joined together by God. Here, then, is an express recognition of this law as the original law of marriage.'

It is evident from hence that this original law knew nothing of divorce—that it was intended to constitute each marriage the root of a distinct and separate family—that it forbade adultery by implication, and most expressly condemned polygamy. This law, with the exception of allowing divorce in a single case, received the sanction of the Christian Lawgiver; and is the only law on marriage which Christians, *as such*, are under any obligation to obey.

It must likewise be observed, that this divine law of marriage, as it is *morally* binding upon all mankind, takes no cognizance whatever of near or remote affinities between the contracting parties. It prohibits no degrees of consanguinity; what it really demands is purity and fidelity on the part of the husband and the wife. This is all. The inferior yet important questions of relationship and affinity, which ought to form a barrier to the marriage union, it leaves to be regulated by the dictates of nature, and the reason of the thing as affecting the increase of the species, the virtue of individuals, the happiness of families, and the well-being of the state. All that the moral law in the commandment enforcing the sanctity of marriage prohibits is comprehended in one sentence, 'Thou shalt not commit adultery.' This command is co-extensive with the obligation of marriage between one man and one woman, but like the original law on which it is founded, it is perfectly silent as to any previous relationship which might have subsisted between them.

The degeneracy of morals which brought destruction upon the antediluvians was produced not by any abuse of the relations of consanguinity, or by intermarrying with each other, but from polygamy, and the intrusion into their families of aliens and strangers; for we are told 'that the sons of God seeing that the daughters of men were fair, took them wives of all whom they chose;' that in consequence of this the wickedness of man became intolerable, so that God said 'I will destroy man whom I have created from the face of the earth.'

After the deluge the world must have been peopled as at the beginning. Cousins at least of every degree, and all the other relations of mere affinity, must have been within the comprehension of the law of marriage. The patriarchal history is full of instances confirmatory of this assumption. Abraham married Sarah, his half-sister. Isaac married Rebecca, his second, and Jacob married Rachel, his first cousin. The patriarch Judah caused his second son to marry the widow of his eldest son. Amram, the father of Moses, married his aunt, so that even at

that late period it was customary for good men—men celebrated for their faith and piety, to marry their near relations ; and it is remarkable that the patriarchs Abraham and Isaac should not only marry near relations themselves, but that at the approach of death, they should take pains to procure wives of near kindred for their sons, without expressing any remorse for their own conduct, or imposing any restrictions upon their children. The following passage is striking, as it exhibits the views and feelings not only of Isaac, but of Rebekah, on the subject of marriages between those who stood in close and natural affinity to each other—their own nearest and dearest relations. ‘And Rebekah said to Isaac, I am weary of my life because of the daughters of Heth : if Jacob take a wife of the daughters of Heth, such as these which are of the daughters of the land, what good shall my life do me ? And Isaac called Jacob, and blessed him, and charged him, and said unto him, thou shalt not take a wife of the daughters of Canaan. Arise, go to Padan-aram, to the house of Bethuel thy mother’s father ; and take thee a wife from thence of the daughters of Laban thy mother’s brother.’

From these marriages of affinity no evil consequences were anticipated ; on the contrary, they were deemed a protection against the immoral and irreligious alliances which Rebekah deprecates, and which had proved so degrading and destructive to the antediluvians. The polygamy of Jacob was, in the view of the divine law, highly reprehensible. But his uniting himself to two sisters during their lifetime clearly intimates that the marrying of sisters in succession, as well as cousins in the first degree, was the common practice of the members of the patriarchal church, and that through these marriages God fulfilled the desire of Isaac, when in blessing Jacob he said, ‘God almighty bless thee, and make thee fruitful, and multiply thee ; that thou mayest be a multitude of people.’

Even at this time the daughters of the land, the Canaanitish women, were considered as in a state of moral degradation, as unfit to be introduced into the families of the patriarchs. As the depravity of mankind increased, as idolatry, one of its worst forms, spread pollution and engendered impurities of the most revolting and detestable character, marriage became prostitution, wives and concubines were strangely multiplied and mingled together ; and the most criminal excesses, in utter contempt of all affinity and relationship, were sanctioned by religion and practised in its groves and temples.

The floodgates of a gross licentiousness were thus thrown open, and fearfully demoralized must have been the state of the world, when Moses, clothed with the authority of heaven and

endowed with super-human wisdom, was appointed to be the lawgiver to Israel.

In legislating for this singular people, expressly chosen by God to be the conservators of the true religion, the depositaries of its oracles, and eventually the dispensers of its blessings, Moses constructed a civil and ecclesiastical polity, which should separate them from the idolatrous world around them, and preserve them in twelve distinct tribes under one government and system of laws and worship of so peculiar a kind, and so exclusively adapted to those on whom they were originally imposed, that they could be regarded as obligatory on no other people, and binding upon them (the Jews) only so long as they retained their nationality, and the economy under which they were placed by their divine lawgiver.

Of course whatever peculiarities were intended to distinguish this mixed polity of Moses, it was first of all necessary to lay its foundation in the immutable principles of the moral law, which was, therefore, solemnly announced from Sinai. In the peculiarities themselves we are naturally led to conclude that the law of marriage would be reinforced—that it would be modified and explained so as to ensure unbroken the genealogy of every family of every tribe—that the tribal distinctions might be preserved free from all admixture and confusion, in order that the promise made to Abraham, and afterwards limited to the tribe of Judah, ‘that in his seed (the Messiah) all the families of the earth should be blessed,’ might be eventually accomplished. This necessarily involved, as we shall afterwards have occasion to show, the necessity of intermarriages between near collateral kindred.

Nor, considering the firm hold which the practice of polygamy had upon all the nations of the east, and which had taken deep root among the descendants of Abraham, ought we to be surprised if the inspired lawgiver, while carrying out the great principle of the law of marriage in all his institutions, should lay positive restrictions, with severe penalties annexed, to their violation, upon an evil which in the then state of the Israelites it would have been impossible by any legislation totally to eradicate. Nor can we imagine a code of laws designed for such a people, under such circumstances, would have been complete had it not been raised as a special guard and barrier against the loathsome and disgusting vices which prevailed among the idolatrous heathens from whom they were so recently separated, and which, originating in sexual impurity, had polluted their hearths and altars, and imbruted and debased their domestic and social intercourse.

Now these are in fact the three grand divisions of the Levitical law regarding marriage and chastity. In these divisions, how-

ever, we cannot discover any precise degree of relationship as the limit of matrimonial intercourse. We doubt not that the law of nature prevailed, that society was so framed as to enable every man to secure his own happiness without invading the present or future happiness of another, that marriages were not allowed that would have disturbed the general system of happiness, by levelling distinctions and confounding duties the observance of which are essential to the prosperity of the social state, and we infer therefore that marriages between persons related in an ascending and descending line were tacitly or by implication prohibited.* Beyond this we have no evidence to guide our decisions. We have, indeed, certain proof that a marriage between a man and his deceased brother's widow was not deemed immoral in itself, because, to secure certain advantages peculiar to their domestic polity, it was expressly enjoined. In the case of offspring the lawfulness of such a marriage was not denied.† But where the brother died childless it became an imperative duty, which if the survivor neglected to perform he was to be stigmatized for ever.

The universal law of marriage, that which was imposed in the beginning, and embraced the whole human family, as we have seen was expressly directed against polygamy, yet it is evident that the strictly Mosaic law, while remotely intended to work its extinction, was immediately applied to its regulation; and we have no reason to conclude that there was any necessary contrariety between the law of absolute prohibition, extending through all time and comprehending the entire species, and the law of temporary adjustment which was limited in its application to a single people. Indeed, so far from being opposed to each other, they are identical in principle and in their final cause. The apostle Paul speaks of 'times of ignorance which God winked at,' and our Lord assured the Jews that in forming his scheme of legislation Moses had special regard 'to the hardness of their hearts;' and he particularly refers to his relaxation of the law of marriage having in view the inveterate practice of polygamy, the evils of which he was resolved as far as possible to counteract and neutralize. Thus his granting divorces not only for great, but comparatively trivial

* These indeed, from their very nature, carry with them their own prohibition. It is absurd to imagine that children would marry their parents or parents their children: and wherever the social state has advanced in civilization, the union of brothers and sisters has grown into desuetude, and in all Christian lands is totally abandoned, and requires not to be forbidden by any law.

† The twentieth verse in the twentieth chapter of Leviticus contains no prohibition with regard to marriage; see 18th verse.

causes, was a wise expedient for diminishing polygamy; a divorced wife making room for the introduction of another without two or more being compelled to dwell together.

In another instance we observe the jealous care with which the rights of a wife were guarded if her husband for any cause originating in himself resolved to take another; having dealt deceitfully with her, he must either remit the price of her redemption, she being the purchased handmaid of the family, as well as his own betrothed, or he must continue to her his protection and support; nor forget that she was still his wife, and entitled to all that is implied in that peculiar relation. We refer our readers to Exodus xxi. 10, 11, compared with Genesis xxx. 14, 16.

There is one violation of the sanctity of the marriage state, a peculiar aggravation of the turpitude of polygamy, on which the law of Moses has fixed the stigma of fornication and adultery, placing it amongst those impurities which are denounced in the eighteenth chapter of Leviticus; the offence is thus described, 'Neither shalt thou take a wife to her sister to vex her, to uncover her nakedness beside the other in her lifetime.'

Some consider this passage as directed against polygamy generally; perhaps it is levelled against polygamy under aggravated circumstances. But whether one or the other, or both be intended, no criticism can torture it into a restriction of the law of marriage. If against polygamy generally, it has nothing to do with affinity—it merely amounts to this, 'Thou shalt not take one wife to another in her lifetime.' If it be directed against polygamy under aggravated circumstances, it is a prohibition with two reasons to enforce it; 'Neither shalt thou take a wife to her sister in her lifetime to vex her:' the first reason is the vexation it would cause to the sister wife, and the second is the unlawfulness of such a connexion during the life of both, and its perfect legality in the case of the wife's death. This is strongly implied, for Dodd, *in loco*, remarks, 'though a man might not marry two sisters together, it seems a natural conclusion from the phrase 'in her lifetime,' that he might marry two sisters in succession; and thus we learn from Selden, the Jews generally understood it.'*

* Mr. Fry, who nearly a century ago published his able work entitled 'The Cases of Marriages between Near Kindred particularly Considered,' observes on this text, 'Many learned men have thought it to be a prohibition of polygamy; but that sense of it is rejected by the best commentators.' He quotes Poole in confirmation of this remark, and proves that the passage does not refer to marriage at all, but is a prohibition of a most offensive and indelicate practice, which he numbers among the abominations of the Canaanites,

The more closely this whole chapter of Leviticus is examined the stronger we feel will be the conviction of every one competent to form a judgment on the subject, that it has no relation whatever to marriage; but that it belongs to the third division of the law regarding sexual purity, which is at the same time a rehearsal and denunciation of the worst offences of this nature which prevailed among the Canaanites. The enumeration is made with a view of justifying the severity of God in destroying them, and of exhibiting to the Israelites those particular species of crime, with their various aggravations, which, being connected with idolatry, would always kindle his indignation and bring down upon the offenders the most terrific punishments.

Sir William Jones, in a letter published many years ago in the appendix to a treatise entitled 'The Legal Degrees of Marriage Stated and Considered, by John Alleyne, Esq., Barrister at Law,' has written fully on this point, and demolished the foundation on which canonists and civilians have built the monstrous structure of what they have called the prohibited degrees. With pleasure we quote his authority, corroborated as it is by Hammond, Poole, and other learned commentators. Sir William Jones thus writes to Mr. Alleyne, 'I have read over the eighteenth chapter of Leviticus in Hebrew, with a view to discover the true meaning of the words which you desire me to interpret; and I have examined all the passages that I could find in the historical and prophetic parts of Scripture, in which the same expression occurs.' Here follows the learned author's criticism on the somewhat indelicate phrase 'thou shalt not uncover the nakedness,' &c., which he observes is never used throughout Scripture to signify *marriage*, but the contrary expression is always used in the case of marriage, viz., 'spreading a skirt over a woman, and covering the nakedness.*' Of the accuracy of this interpretation every Hebrew scholar will be able to judge for himself.

'But from what root soever,' continues Sir William Jones, 'the Hebrew words are derived, or whatever may be their meaning in the dialects of Asia, it is surprising that the chapter before us should ever have been taken for the *law of marriage*, since it is apparent that all the laws contained in that chapter relate only to the impure *lusts* and *obscene rites of the Egyptians and Canaanites*, to the abominable cus-

against whose gross impurities the eighteenth and twentieth chapters of Leviticus are specifically directed.

* 'The phrase of 'uncovering the nakedness' is literally translated from the Hebrew; as *orvah* signifies nakedness, and *gala* (or, as the Arabians pronounce it *jala*) to *reveal*, to *disclose*, to *unfold*, to *expose*, to *lay open*.' The same word, *orvah*, is used in Exodus xx. 26, to which we refer.

toms and *ordinances*, as they are called, of the idolatrous nations who were extirpated by the chosen people. This must be evident to all unprejudiced and attentive readers, from the whole tenor of the chapter: first, they are commanded to beware of the *doings* of the Egyptians, and the inhabitants of Canaan; then these *doings* are enumerated, with a special law against each of them; and, lastly, the general command is resumed, 'Defile not yourselves in these things, for in all these things are the nations defiled which I cast out before you.' Now what these impurities were we learn from history, where we find that the most shocking and disgusting ceremonies were actually performed in Egypt and Syria, by persons of both sexes, in honor of those deities who are described by Selden and Milton, and who were worshipped in Europe under the names of Venus, Adonis, and Priapus. A nauseous picture of human depravity! That obscenities, which none but a Romish casuist could figure to his imagination, should have been practised as *religious rites*, not in Asia only, but in Greece and Italy! I cannot help believing, therefore, that the whole chapter from which our prohibited degrees are deduced, contains laws, not against marriage within certain degrees, but against all obscenity whatever, and especially against the unnatural prostitutions committed by the idolaters of Canaan and Egypt. If any argument can be drawn from Asiatic philology, it may be worth while to add, that the Arabic verb, from which *orvah* or nakedness is derived, signifies, in the twelfth conjugation, to commit any shameful action, that *aura* means obscene, and that *ara* is interpreted by Goliis *Promiscue facta aliis rei potestas*. But I lay no great stress on these minute circumstances, which may happen to be accidental. No man has examined this subject more diligently than *Fry*, the author of a pamphlet which you justly commend, and you see my opinion perfectly coincides with his. He makes another observation, which I think decisive, that the phrase of concealing the nakedness, not of exposing it, is constantly used in Scripture for the *nuptial rite*. I turned to the passage in Ezekiel, where that vehement poet, or rather orator, is describing the covenant with the Jewish nation, which covenant is very often (we know) expressed by the allegory of a *marriage*. His words are, 'Thy season was a season of love. I spread the border of my mantle over thee, and covered thy nakedness;' that is, I married thee. What is conclusive evidence if this be not? And if this interpretation of Leviticus be just, what will become of the canons and rubrics in the Levitical degrees?

That Sir William Jones's view of the Levitical prohibitions is critically just, and that they have no application whatever to marriage, may be further proved by considering that the reasons assigned for them refer to the present, and not to the past. They are all in the present tense: 'It is thy father's wife;' 'She is thine aunt,' or as it is rendered in the margin of our Bibles, 'She is thy father's brother's wife;' 'She is thy son's wife.' This phraseology fairly implies that these various relations must really exist in order to constitute the heinousness of

the crime forbidden. It proceeds on the assumption that they are not dissolved by death, that the father, the father's brother, and the son would be the injured and the living parties, and therefore that the offence prohibited could not be marriage with the widow of either, but adultery with the wife under circumstances the most revolting and detestable.

There is also a moral reason deeply seated in human nature which adds peculiar force to this argument. The intercourse forbidden in many of the instances specified cannot possibly refer to marriage. The very idea of them is too monstrous to have been entertained by any beings, however profligate and depraved, in whose hearts the notion of family and affinity was not totally extinguished. As crimes against all the social and domestic relations of life, they could only have been conceived by the impure imaginations which had their origin in idolatry, and were inspired by the worship of demons. St. Paul describes them as the characteristics of heathen immorality in his time, and traces them to the same diabolical source. Let the reader compare with attention the prohibitions in the eighteenth chapter of Leviticus with the first chapter of the Epistle to the Romans, from the twentieth verse, *passim*.

To this interpretation of the Levitical prohibitions an objection has been raised which, however specious, is not tenable. It has been urged that if these prohibitions do not relate to marriage, they leave criminal desire to luxuriate through the whole range of sexual impurities which they do not specifically denounce. The reason for their special enumeration we have already stated—they were the abominations that caused the destruction of the idolatrous Canaanites. But our direct reply to the objection is, that the original law of marriage has clearly defined the limit of sexual intercourse, and that to transgress it in any case, whether specifically denounced or not, is most strictly forbidden by the moral law of Sinai, which condemns by implication every act offensive to chastity, as is evidently shown by our Lord, who declares, that to look upon a woman with an impure desire, is a species of adultery.

If further proof were necessary in establishing this argument against the application of the Levitical prohibitions to marriage, it is to be found in the marriages sanctioned by Moses during his administration of his own laws, which were considered the most honorable among the Jews in after times, and a deviation from which is in so many words declared to be a sin to be avoided, and when committed to be worthy of condemnation and punishment. We refer to the thirty-sixth chapter of the book of Numbers, verses ten and eleven, 'Even as the Lord commanded Moses, so did the daughters of Zelophehad; for Mahlah, Tirzah, and Hoglah, and Milcah, and Noah, the

‘daughters of Zelophehad, were married unto their father’s ‘brothers’ sons.’ So in Judges it is stated (chap. i. 13), that Caleb gave Achsah his daughter to Othniel, the son of Kenaz his younger brother, to wife. The case of Ruth is also in point; Boaz felt hesitation in making her his wife, not for want of affection, nor because of the affinity between them, but for a contrary reason. ‘It is true that I am thy near kinsman; ‘howbeit there is a kinsman nearer than I;’ and in the next verse he promised her that if that kinsman refused to take upon him the nuptial obligation, he would himself marry her. And in a later age, we find Tobit, who had married his kinswoman, thus instructing his son—‘My son, chiefly take a wife of the ‘seed of thy fathers, and take not a strange woman to wife, ‘which is not of thy father’s tribe; for we are the children of ‘the prophets, Noe, Abraham, Isaac, and Jacob; remember, my ‘son, that our fathers from the beginning, even that they all ‘married wives of their own kindred, and were blessed in their ‘children. Now, therefore, my son, love thy brethren, and ‘despise not the sons and daughters of thy people, in not taking ‘a wife of them.’—Tobit ix. 12, 13.

From these instances, and from the whole tenor of the Jewish history, it appears that near affinity was always regarded as a reason for marriage, and not an objection against it. And it is equally clear that marriages with strangers were strongly reprobated, and when contracted were visited with divine severity. We can only refer to Deut. vii. 2, 3; Ezra x. 10—14; and Nehemiah xiii. from verse 23, *passim*.

The truth seems to be, that with one express addition, namely that of marrying the childless widow of a deceased brother, and certain provisions of indulgence on the subjects of divorce and polygamy, the Levitical code left the original law of marriage untouched; that in fact, with regard to degrees of relationship within which marriage would be unlawful, it contains no prohibitions. Yet as the abominations denounced and forbidden in the above chapter are greatly aggravated by their incestuous character, the Jews must have had some definite views on the subject of incest in reference to marriage; what these were we have no means of ascertaining. It is certain that several of the affinities expressly named by the Jewish lawgiver as enhancing the guilt of mere sexual intercourse, have never been regarded by the Jewish nation as forming any barrier to the union of the parties by marriage. Thus, while violating a brother’s wife is severely censured, the Israelite is expressly commanded to marry her should she become a childless widow.*

* It is a practice among the Jews that no childless widow can marry a second time without offering and subjecting herself to the acceptance or refusal of her

We trust that the stand we have thus taken will either bring down upon our statements contradiction and refutation, or that the Levitical degrees will be abandoned, or that the law of marriage as it regards propinquity of relationship, will be enforced on the ground of a reasonable humanity—alike unswayed by ascetic superstition and licentious infidelity. Till, however, these views of the Levitical law are equally entertained by the litigant parties as to the point where lawful marriages end and incestuous criminality begins, the controversy must be encumbered with all the old notions. But it is satisfactory to feel, that even with this admission, the state of the canon and statute law, as it now exists in England, has no sanction whatever from the Jewish code; and this will appear as we advance in our inquiries.

On the subject of the degrees of kindred and affinity, as it was understood during the time of Christ, the New Testament sheds very little light. The only case which is mentioned, and reprobated as a violation of the law of nature, is that which occurred in the Corinthian church—it does not appear to have been a case of marriage, but of aggravated impurity—which the apostle declares ‘was not so much as named among the Gentiles.’—1 Cor. v. 1. This determines nothing on the subject of the degrees of affinity within which it would be immoral for

deceased husband's brother. The command rendering marriage imperative in the instance of a brother's childless widow is purely conventional. Christians and heathens were always at liberty to disregard it. But as the command, though conventional, could not be a violation of the eternal principles of morality, it is a necessary inference that to marry the widow of a deceased brother under any circumstances is perfectly consistent with those principles, and on this point the Jews entertain no scruples. The reason for the command—in this particular relation as a principle—is much stronger when applied to one of similar degree of affinity. If a Jew was compelled to marry the widow of his brother in order to raise up seed to his brother, it ought certainly to be permitted to a Christian to marry the sister of his deceased wife. The reason, as Dr. Franklin observes, ‘being rather stronger in the one case than the other; if the one were enjoined that children might be produced, who should bear the name of a deceased brother, the other ought not to be forbidden, as it is more apparently necessary to take care of the education of a sister's children already existing than to procure the existence of children merely that they might keep up the name of a brother.’ In their present state of dispersion the Jews regard this law as oppressive, and utterly unadapted to their altered circumstances. In order to evade it they not unfrequently, before a marriage is contracted, exact from the brothers of the intended husband, in case of the survivorship of the wife without children, a written engagement to renounce their claim; and where this has been neglected, the friends of the widow have been known to purchase her release by paying to the exorbitant claimants a large sum of money. For in England the Jews are placed in this awkward dilemma,—if they obey Moses, they must violate the law of their adopted country.

either Jew or Christian to *marry*. To seduce and to prostitute, is in all cases a crime; even where marriages would not only be lawful, but most commendable; and the nearer the degrees of affinity existing between the parties—which might not be a barrier to their conjugal union, would be nevertheless a most heinous aggravation of their guilt should their intercourse be criminal. It is evident that the Jews felt no repugnance to the marriage of one woman with seven brethren in succession; and when our Lord was interrogated as to whose wife she should be in the resurrection, he passed no censure either on the impiety or the immorality of the supposition (it may be reasonably doubted whether it was not a *fact*), but simply replies, that ‘In heaven they neither marry, nor are given in marriage.’ A strange answer to such a question if, indeed, the fact or supposition implied in it had been founded in wickedness; if it implied either a Levitical or a natural offence. But the instance of Herod, and the intrepidity of John the Baptist, which cost him his head, have been relied upon as establishing the canon law of Christendom on the Judaical law of Moses, namely, that it is immoral or impious to marry a brother’s widow. Herod lived adulterously with Herodias, his brother Philip’s wife—what has this to do with the question of marriage? Philip was alive at the time.

Thus it appears that the original law of marriage has no reference whatever to degrees of kindred and affinity; that the most favored servants of God did not feel themselves under any restraint with respect to marriage in any case of relationship by affinity; that the law of Moses does not interfere with the law of paradise, nor with the practices of the patriarchs and founders of the Jewish nation; that its prohibitions contained in the eighteenth and twentieth chapters of Leviticus have no reference to marriage, or if the contrary, for the sake of argument, be admitted, that their restrictions do not extend to a deceased brother’s wife, on any moral ground, nor to the sister of a deceased wife, nor to several other degrees of propinquity condemned by the canon law of Christendom; that we have no reason to suppose that marriage was prohibited in these cases in any later period of the Jewish history, and that Christ enjoined nothing on the subject of marriage affecting its validity on the ground of any relationship that might exist between the parties contracting it, but that he left it to his followers to adapt their marriage laws to the circumstances in which they might be placed. And well would it have been for mankind if those who in after times presumed to be rulers in his church, had observed the same discretion. There are two ways of weakening the bonds of moral obligation. By extreme tension, on the one

hand, and by undue laxity on the other. The law of marriage has suffered by both. Superstitious asceticism and infidel licentiousness have wrought to one and the same end. The former began by forbidding to marry, and the latter by declaring the conjugal relation dissolvable at the pleasure of the parties. Infidelity, however, has been far less mischievous in this respect than superstition, which was soon taken advantage of by priestcraft, and became the foundation of an enormous system of prohibitions, exactions, dispensations, and impositions, by which the Roman pontiff filled his coffers and augmented his power; while Christians were robbed of their dearest immunities, their social and domestic rights annulled, and every charity of the heart sacrificed on the altar of spiritual domination.

One of the pamphlets at the head of this article succinctly and satisfactorily accounts for the rapid progress of these enormous abuses.

‘The purity of the early Christian converts, not satisfied with the rejection of the wanton allowances of Gentile customs, not contented with the voluntary adoption of the severest Levitical prohibitions, invented for themselves new rules of continence, which God had never imposed upon his chosen people, whom, in this as in every other virtue, they were ambitious of surpassing.* Thus before long, the fair face of Christianity began to be deformed by a dark stain of ascetism, altogether alien from the benevolent and social spirit of its divine Founder. Then it was, in process of time, that austere men began to talk

‘Of purity, and place, and innocence;
Condemning as impure, what God declares
Pure, and commands to some: leaves free to all.’—*Milton*.

And thus, the venerable rite of marriage, which in our admirable liturgy is described as ‘instituted of God in the time of man’s innocence, signifying unto us the mystical union that is betwixt Christ and his church;’ that holy law by which

‘Relations dear, and all the charities
Of father, son, and brother, first were known.’

began to lose the ‘mysterious reverence’ with which it was regarded

* ‘Recte tamen fecerunt Christiani veteres, qui leges non illas tantum in commune datas, sed alias peculiariter Hebræo populo scriptas, sponte sua observarunt: imo et ad gradus quosdam ultiores protenderunt verecundie suæ fines, ut hæc quoque in virtute non minus quam in cæteris,—Hebræos antecederent.’—*Grotius de Jure Belli, &c. I. II., c. 5, s. 14, 3.*

by the earliest followers of that Saviour 'who had adorned and beautified it by his presence,' and 'to lie in disgrace with most of the ancient doctors, as a work of the flesh, almost a defilement, wholly denied to priests, and the second time dissuaded to all; as he that reads Tertulian and Jerome may see at large.'—*Milton*. Thus under a state of feeling, in which the natural emotions were branded as a crime, and marriage only tolerated as a necessary evil, it is not surprising that celibacy should soon have been regarded as the nearest approach to the divine perfection; that the monastic principles and institutions should have been established, with all their monstrous train of evils; and that degrees of marriages, already prohibited, should have been gradually extended beyond the limits which are prescribed by God, or which the necessities of domestic intercourse could possibly require.* Thus, by the laws of Theodosius, at the end of the fourth century, the marriage of cousins-german was expressly prohibited. It is said by Jeremy Taylor, that at the time of many of these early prohibitions, 'the Goths prevailed by the sword; and the church, to comply with the conquerors, was forced to receive this law from them, for the Goths had it before the Romans, and it is very possible that this *barbarous people were the great precedents and introducers of the prohibition*.' Then, as the ecclesiastical authority grew and increased, as the spirit of extortion and venality in the Roman church became more powerful, these prohibitions were found to be '*good drains for money, and levies for rents*;' they were extended and supported by the most sophistical quibbles of papal ingenuity, and soon led to the most immoral and irreligious consequences. Thus, it is observed by Mr. Hallam,† 'that the principles of the church, in the middle ages, led indirectly to the prevailing license of *repudiation* and even *polygamy*; of which there is evidence,' says he, 'in many capitulations of Charlemagne.' For he adds, 'Marriages were prohibited, not merely within the limits which nature, or those inveterate institutions which are called nature, have rendered sacred, but as far as the seventh degree of collateral consanguinity, computed from a common ancestor. Not only was affinity or relationship by marriage put upon the same footing as that by blood, but a fantastical connexion, called spiritual affinity, was invented, in order to prohibit marriage between a sponsor and god-child.' These were extended to the ninth degree of spiritual relationship, and arose as well out of the celebration of the sacrament of confirmation as that of baptism; and Lord Coke‡ mentions, that before the statute of Henry VIII. there might be *divorces because the husband had been godfather at baptism or confirmation to his wife's cousin*.

* 'Le mariage n'étoit point defendu par les Loix Romaines, entre les personnes qui ne se touchoient d'affinité que dans la ligne collatérale, jusque a la Loi de l'Empereur Constance, qui defendit, comme incestueux le mariage avec la veuve de son frère, ou avec la sœur de sa defunte femme. Cette loi fut renouvelée par Valentinien et Theodose. Honorius contrevint à la loi de son père, en epousant successivement les deux filles de Stilicon.'—Potier, v. iii. p. 201. *Traité du Contrat de Mariage*.

† Hallam's Middle Ages, v. ii. c. 7. p. 293.

‡ 2 Inst. 684.

‘One readily apprehends,’ says Mr. Hallam, ‘the facilities of abuse to which all this led. History is full of dissolutions of marriage obtained by fickle passion* and cold-hearted ambition, to which the church has not scrupled to pander on some suggestion of relationship.’ ‘It is so difficult to conceive,’ continues Mr. Hallam, ‘I do not say any reasoning, but any *honest superstition* which could have produced such monstrous regulations, that I was at first inclined to suppose them designed to give, by a side wind, that facility of divorces which a licentious people demanded, but the church could not avowedly grant.

‘This refinement would, however, be unsupported by facts. The prohibition is very ancient, and *was really derived from the ascetic temper which introduced so many other absurdities.*† The fourth Lateran Council, in 1215, removed a great part of the restraint, by permitting marriages beyond the fourth degree, or, what we call, third cousins; and dispensations have been made more easy, when it was discovered, that they might be converted into a source of profit. They served a more important purpose, by rendering it necessary for the princes of Europe, who seldom could marry into one another’s houses without transgressing the canonical limits, *to keep on good terms with the court of Rome*, which, in several instances hurled its censures against sovereigns who lived, without permission, in what was considered an *incestuous union.*’—*Considerations on the state of the Law regarding Marriages*, &c. pp. 35—39.

Even so late as the tenth century marriage was reprobated by the church as a crime, and every art and terror was employed to induce the laity to follow the example of the clergy, to whom it was absolutely forbidden. Nor was it till the twelfth century that the sacerdotal benediction and the intervention of the offices of the church were required to establish its validity. Then it was that Peter Lombard discovered the institution of seven sacraments, or the sevenfold operation of the Spirit of God in baptism, the Lord’s Supper, confirmation, penance, orders, extreme unction, and *matrimony*; and the church of Rome soon countenanced his doctrine. ‘This brought marriage,’ says Archdeacon Reynolds, ‘which was originally of civil jurisdiction, ‘under spiritual cognizance; and put the scales of domestic ‘peace into the hands of the Pope, that his holiness might have ‘power to separate those whom no man ought to put asunder,

* ‘Cette discipline, qui étendoit la défense des mariages entre parens, étoit sujette à de très grands inconvéniens; elle donnoit lieu à de fréquente demandes en cassation de mariage, sous prétexte de quelque parenté éloignée, qui des personnes dégoutée de leur mariage decouvroient ou supposoient.’—Pot. v. III. *Traité du Contrat de Mariage*, p. 198.

† ‘Gregory I. pronounces matrimony to be unlawful as far as the seventh degree; and, if I understand his meaning, as long as any relationship could be traced; which seems to have been the maxim of strict theologians, though not absolutely enforced.’—Hallam’s *Mid. Ages*, vol. ii. p. 295.

‘and perpetuate conjunctions which reason and religion forbid.’* It was in this century that the *Waldenses* and *Albigenses* made their appearance; they were the *first* Protestants of whom history gives us any account, and the *first* who resisted the popish doctrine on the subject of marriage. They condemned the law which prohibited the marriage of the clergy, refused to acknowledge the spiritual alliance of godfathers and godmothers, and the other impediments of affinity and consanguinity appointed by the church, and taught ‘that the *consent* of a willing couple ‘made a lawful marriage without the formality of any sacerdotal ‘benediction.’

In the fourteenth century the Council of Trent decreed ‘that ‘if any shall say the church hath not power to add impediments ‘to marriage which are not in the book of Leviticus, or to dispense with those that are, let him be accursed.’

The Wickliffites or Lollards, who at the commencement of this period were become a powerful party in the kingdom, were not content with bearing a general testimony against the abominations of popery, but endeavored also to arrest the attention of the legislature in favor of a reform on the subject of marriage. For this purpose they presented a remonstrance to the House of Commons, in which they stated, among other things, ‘that the ‘causes of divorce on account of consanguinity and affinity as ‘established by the church were utterly groundless. Early in the sixteenth century Martin Luther contended ‘that the priests ‘ought to approve of all marriages contracted against the ‘ecclesiastical laws, with which the Pope can dispense, except ‘the marriages of those which are expressly forbidden by the ‘Scriptures;’ and so great was the influence of the reforming spirit in England, and to such an extent had theologians and civilians departed from the strict canons of the church, that long before the agitation of the question of the divorce of Henry VIII. from queen Catherine, Jeremy Taylor tells us, ‘there was almost a general consent upon this ‘proposition, that the Levitical degrees do not by any ‘law of God bind Christians to their observation.’† And he shrewdly observes upon that violent and disgusting proceeding—‘it very much employed and divided the pens of ‘learned men, who upon that occasion gave too great testimony ‘with how great weaknesses men that have a bias do determine ‘questions, and with how great a force a king that is rich and ‘powerful can make his own decisions. It is true that Henry ‘appealed to the universities of the continent and of England,

* Historical Essay on the Government of the Church of England, p. 70.

† Ductor Dubitantium, book ii. ch. 2.

‘and that they at length, considering the prohibitions of the eighteenth chapter of Leviticus to refer to marriage, decided upon their perpetual obligation, and that the marriage which the king had contracted with the widow of his deceased brother Arthur was forbidden by Scripture.’ It is however to be observed, that there are the strongest reasons for believing, notwithstanding what Burnet has said to the contrary, that the acquiescence of the foreign universities in such a decision was purchased by large sums of money, distributed amongst them by the agents of Henry. Cavendish, in his *Life of Wolsey*, says, that ‘the foreign universities were fed with such large sums of money, that they easily condescended to the requests of the commissioners;’ and Crook, the king’s agent in Italy, writes that he found ‘the greatest part of the divines in all Italy mercenary,’ and tells Henry, that he ‘doubts not but all Christian universities, *if they should be well handled*, would earnestly conclude with his Majesty;’ adding, that ‘if he had been in time *sufficiently furnished with money*, though he had procured, besides the seals which he then sent, 110 subscriptions, yet it had been nothing in comparison of what he might and easily would have done.’

With respect to the English universities, it is to be remarked, that all accounts concur in stating, that very great difficulty was experienced by the king in obtaining from them an answer favorable to his wishes. It appears, from a passage in Wood’s *Athenæ Oxoniensis*, that the decision of Oxford, in favor of the divorce, was only procured ‘after two angry letters from the king,’ and ‘that when at last the judgment was obtained, it was extorted by a violent interference with the constitution of the university, and passed surreptitiously at night, amidst open and fearless remonstrances.’ The difficulty of obtaining a favorable answer from the university of Cambridge, appears to have been equally great; and the manner of extorting it at last very nearly the same.*

An act passed in the first year of queen Mary, session 2, chap. i., entitled, ‘an act declaring the queen’s highness to have been born in a most just and lawful matrimony, and also repealing all acts of parliament and sentences of divorce made or had to the contrary,’ is remarkable for containing a solemn legislative declaration of the purity of a marriage between a man and his brother’s widow by the law of God, and therefore of all marriages in that degree, and *a fortiori* of all remoter affinities.

* See Collier’s *Eccles. Hist.* part i. book i. pp. 52—58, 75, 76, and Warner’s *Church Hist.* vol. ii. pp. 36—40.

To a certain extent this act confirms an act passed in the thirty-second year of Henry VIII.; the spirit and policy of which was to reduce the law of marriage to the just regulation of divine and natural law, in opposition to the enormities which occurred whilst it was subject to ecclesiastical severity; the substance of it may be thus stated: 'Every marriage consummated by carnal knowledge and issue, solemnized between persons not prohibited by God's law, shall be indissoluble; and no prohibition shall operate (God's law except) to impeach any marriage without the Levitical degrees:' here undoubtedly the Levitical degrees are considered as the legal degrees of marriage in the divine law. But the subsequent act of the first of Mary is a direct repeal of these degrees. The declaration that the marriage of Henry with Catherine, the widow of his brother Arthur, was agreeable to the divine revealed law, and perfectly consonant to Scripture, certainly divested the Levitical code of all legal authority. And as the law in which this declaration is contained is now in force, we must conclude, in the language of the legislature, that a marriage with a brother's widow, and others of a similar affinity, are 'not prohibited by the law of God.' But such marriages 'stand with God's law, and his most holy word;' and ought 'to be accepted and reputed, and taken of good effect and validity, to all intents and purposes.'

Though this act was not formally repealed on the accession of Elizabeth, but was allowed to remain on the statute book, because it would have been indecent and insufferable to pronounce her sister Mary, who had been the *de facto* queen of the realm, illegitimate, and therefore a usurper, other measures were resorted to, which, though not possessing the force of a law of parliament, operated with equal weight and authority upon the mind of the nation. The Levitical degrees in all their strictness and extent, including not only those expressly mentioned, but all others that, by a parity of reason, might be deduced from them, were solemnly declared to be of divine obligation, and enforced by the severe and costly sanctions of ecclesiastical jurisdiction. The table of prohibitions, with the admonition prefixed, which was put forth by authority, and ordered to be placed in all the churches of the kingdom, was drawn up by Archbishop Parker, in the year 1563; and was a politic measure, which, without bringing the first and second marriages of Henry into further litigation and inquiry, assumed a principle which, by implication, established the legitimacy of Elizabeth, and consequently her right to the throne. With this parliament had nothing to do; for the opening of the subject then would have been perilous in the extreme. It was therefore confided to the clergy—for the church is ever obsequious where it

cannot be despotic. There was no opposition; though the opinions of the learned and the liberal were known to be against the perpetual obligation of the Levitical prohibitions, and the distressing case of degradation and illegitimacy which they had been made to justify, yet none dared to provoke the vengeance of the royal lioness. 'Moreover, it was the interest of her subjects that the legitimacy of Elizabeth should not be called in question; and nothing could be so likely to prevent this as the general reception of the doctrine implied in the admonition prefixed to the table of Archbishop Parker.*

Subsequently to the Reformation, as introduced by Henry VIII. and established by Elizabeth down to the year 1835, when Lord Lyndhurst's act was passed, the statute law of marriage, as exhibited in the thirty-second of Henry VIII. and the first of Mary, declared all persons competent to intermarry, who were not prohibited from so doing by *God's law*; at the time the former of these acts was passed, the degrees of relationship as specified in the eighteenth chapter of Leviticus were conceived to be the legal degrees of marriage according to the *law of God*; and, therefore, all marriages without these degrees are declared to be exempt from any spiritual prohibition. Within these degrees, the act of Mary declares, that marriage with a brother's widow, and consequently marriage with a deceased wife's sister, are not included.

The canon law, however, as enacted by Archbishop Parker, revived all that could be revived of the popish restrictions on marriage, not only by insisting upon the strict letter of the Levitical prohibitions, but extending them by a parity of reason. But what weight has canonical law when not expressly sanctioned by the law of the land? The table of Archbishop Parker and the ninety-ninth canon never had this sanction, and are binding only upon ecclesiastical persons, and those who conscientiously bow to the authority of the church, as equally valid with that of the holy Scriptures.

This is the judicial opinion of that consummate lawyer, the late Lord Hardwicke, that 'no canon since the Reformation can bind the nation at large without the authority of parliament; and we believe there are no legislative acts since that period which operate to give force to any single ecclesiastical rule, the canons of 1603 still wanting the sanction of the legislature. Jeremy Taylor, speaking of the laws of the Roman canonists, lays down the same doctrine.

* It is said of this prelate by one of his biographers, 'that the great blemish of his character was his preferring the laws of the queen to the laws of God.'

‘These laws,’ he says, ‘are not now, nor ever were they, obligatory but by the consent of the people and the allowance of princes. For bishops in their mere spiritual impresses have no proper legislative power, where princes are Christian; and if the prince please he may enlarge or restrain their power, so that he make no entrenchment on the divine law, and do what is useful and profitable. But when the prince does not bind, the subjects are free.’

‘These laws are neither allowed by the prince nor by the ecclesiastical state in England, and because they were useless or burdensome they were laid aside; for they were but drains for money, and levies of rents.*

It was the laying them ‘aside’ that imposed upon the popish reformed bishops of the English Church the necessity of making the best of the Levitical degrees—the only canons left them after the rubbish of Rome had been swept away: and thus originated their famous expedient of interpreting these degrees by a ‘parity of reason.’ This flimsy subterfuge of episcopal tyranny in a Protestant church, the author of the ‘Observations on the Prohibition of Marriage in certain cases of Relationship by Affinity’ has entirely demolished, and has clearly shown, even on the assumption that the prohibitions in the eighteenth chapter of Leviticus relate to marriage, that if the canons of 1603 and Archbishop Parker’s table had all the support of legislative enactments, they are without the confirmation of the Levitical code, and therefore ought to be regarded as the mere arbitrary imposition of the priesthood, in obedience to the will of a still more arbitrary sovereign.

After arranging the degrees in Leviticus into a table where they are seen at one view, he observes that it contains no prohibition of marriage in three cases, namely, with a wife’s sister, or a wife’s brother’s or sister’s daughter. He then reasons with the ultra prohibitionists.

‘We are told by the defenders of Archbishop Parker’s table, that because marriage is forbidden with a brother’s wife by ver. 16, it must be conceived to be forbidden also, *by parity of reason*, with a wife’s sister; and because it is forbidden with a father’s sister by ver. 12, and with a mother’s sister by ver. 13, it must therefore be conceived to be forbidden, *by parity of reason*, with a wife’s brother’s

* ‘It is no trifling consideration, that the body of the canon law was made by the worst and most ambitious popes. Alexander III., who made Gratian’s decree to become law, was a schismatical pope, an antipope, and unduly elected; the rest were Gregory IX., Boniface VIII., Clement V., and John XXII.; persons bloody and ambitious, traitors to their princes, and butchers of Christendom by the sad wars they raised, and therefore these laws were likely to be the productions of violence and war, not of a just and peaceable authority.’—Ductor Dub. book iii. chap. iv.

daughter, and with a wife's sister's daughter. But what authority, it has been well asked, do we possess for this extraordinary extension of these restrictions? In ver. 6, a general prohibition is given against marriage with 'near kindred:' in the verses which follow, seventeen cases are mentioned as being included in it; '*but*,' say the advocates of the doctrine we are examining, '*these are not all: it is evident that there are three other cases comprised in the general prohibition, though Moses omitted to mention them.*'

'In considering this subject, it must, we think, immediately strike every inquirer, as a very remarkable fact, *if it be one*, that in stating, in obedience to the divine command, and with great precision of language, several relatives with whom he declared it to be unlawful for any Israelite to contract marriage, Moses should leave it to the ingenuity of his countrymen to discover, that there were three other relatives with whom it was equally unlawful that he should ally himself in the bonds of wedlock. This surely is not the manner in which the Deity has usually dealt with his creatures, and it is scarcely possible to believe that the Israelites could have been expected by God to conclude that more was intended by these prohibitions than was expressly stated by the mouth of his servant Moses. Had the general prohibition in ver. 6 stood alone, that is, had no particular instances in which it was to be observed been given, the case would have been different: it would then doubtless have been the duty of those to whom this general prohibition was given to endeavor to discover *the particular cases comprised in it*; but a general prohibition against marriage with near kindred having been given them, and several instances enumerated in which this prohibition was to be observed, and nothing being added to lead the Israelites to suppose that there were any other instances to which the prohibition applied, it was only natural and reasonable that they should consider, that if they observed it in the instances which were specified, they would do all that was required of them.

'This, however, is not all that we have to advance upon this point. For it may be further remarked, as Michaelis has justly observed, that there is another argument against the extension of these prohibitions in the manner which has been noticed, in this circumstance—that Moses 'does not appear to have framed his marriage laws with any view to our deducing conclusions from them; for if this were his view, he cannot be acquitted of having made several very useless repetitions in them. For what reason had he, for example, after forbidding marriage with a father's sister, to forbid it also with a mother's, if this second prohibition was included in the first, and if he meant, without saying a word on the subject, to be understood as speaking, *not of particular marriages, but of degrees.*'

'Again, 'Moses,' as the author from whom we have already quoted observes, 'has given his marriage laws in two different places of the Pentateuch, viz. in both the eighteenth and twentieth chapters of Leviticus; but in the latter of these passages we find only the very same cases specified which had been specified in the former. Now, had they been meant merely as examples of DEGREES OF RELATIONSHIP, it would have been more natural to have varied them; and if it

had been said, for instance, on the first occasion, 'Thou shalt not marry* thy father's sister,' to have introduced on the second the converse case, and said, 'Thou shalt not marry thy brother's daughter.' This, however, is not done by Moses, who, in the second enactment, just specifies the father's sister, as before, *and seems therefore to have intended that he should be understood as having in his view no other marriages than those which he expressly names, unless we choose to interpret his laws in a manner foreign to his own meaning and design.*†

This reasoning on the assumption that the prohibitions in Leviticus relate to marriage, ought to be conclusive with those who so understand them. In casting our eye over them again as they stand in the pamphlet before us, we find Sir William Jones's view, that they have no such reference, strongly confirmed. We refer to that contained in the sixteenth verse, 'Thou shalt not uncover the nakedness of thy brother's wife, *it is thy brother's nakedness.*' Now, in the twenty-fifth chapter of Deuteronomy, which does apply to marriage, notwithstanding this reason for not *uncovering* the nakedness of his 'brother's wife,' the Israelite is commanded to marry his widow; which, if the former passage has the same application with the latter, is nothing short of a contradiction in terms, by the same writer, and in books equally claiming to be of divine authority. On the supposition that marriage is forbidden in Leviticus with a brother's wife, with the penalty annexed, that the contracting parties shall be 'childless,' how are we to understand the command to marry within this degree of affinity for the express purpose of raising up children? See Lev. xx. 21; Deut. xxv. 5. But whether legal or not, or whether sanctioned or not sanctioned by the Levitical code, the table of Archbishop Parker and the ninety-ninth canon have operated with all the force of law. Nor do we recollect any instance of an appeal from the ecclesiastical to the civil courts, to determine whether a marriage with a brother's widow, or a deceased wife's sister, be according to God's law, as understood by the statute of the first of Mary and the thirty-second of Henry VIII.‡ The canon and the statute law have not on these questions been brought into collision; partly because of the hazardous nature of an appeal from the one to the other, none caring to be first to establish

* Marrying, or anything implying marriage, is not once mentioned in all these prohibitions.

† Michaelis on the Laws of Moses, vol. ii. pp. 119, 120.

‡ In the case of Hill and Good, these statutes were not referred to; and Archbishop Parker's table was the ground of the decision.

a precedent which might be fatal to themselves as well as to others; and partly because, up to the passing of Lord Lyndhurst's act, marriages of affinity, though within the tabular prohibitions, were regarded only as voidable, and to all intents and purposes legal, if not disturbed by an ecclesiastical process prior to the death of one or other of the parties.

It is a remarkable feature in the table of prohibitions, that it allows marriages of consanguinity, which are so repugnant to our moral feelings that they are of rare occurrence;* while it forbids marriages of affinity which are contracted every day, and in every rank of life, not only without provoking censure, but with the evident approbation of the most virtuous portions of the community.

Among the most common of these is marriage with a deceased wife's sister, a wife's brother's or sister's daughter; for such marriages public opinion has supplied the place of legal sanction: and prior to the passing of Lord Lyndhurst's act it is surprising, notwithstanding their rapid increase, and the interests in every case they put in jeopardy, that so little advantage was taken of them by persons interested in their dissolution, or by the unprincipled caprice of some of the contracting parties, and that they were productive of so much virtuous happiness. For, till the intervention of this law, in 1835, it was in the power of those who had contracted a marriage of this kind, or during their life-time, of any person whatsoever, who had an interest in dissolving the marriage, to get it annulled. In this way the marriage of parties who had lived together for years in mutual love, respected by all who knew them, might at any moment have been set aside at the instigation of some malicious or interested individual, and the offspring of the marriage illegitimized and deprived of their inheritance.†

Still great inconveniences and many anxieties must have been endured by multitudes who had placed themselves in a condition where their domestic peace and status in society were at the mercy of others—perhaps their personal enemies; and as great difficulties were felt to arise from the conflict between the laws relating to marriage, as existing in different countries and in different parts of our own country, and especially in England

* If two brothers marry two sisters, their issue may intermarry. Referring to a particular case which we need not cite, the writer of the present state of the law, says, 'Had the wife been a great aunt by consanguinity, the husband's grandmother's own sister—perhaps not a very probable case—or had it been the case of a man marrying his great niece, though here there must have been a very objectionable connexion by blood, the marriage would have been good.'

† Observations on the Prohibitions of Marriage, p. 5.

and Scotland, the time seemed to have arrived for the initiation of measures in the British parliament which should remedy the existing evils, establish clearly defined laws regarding marriage, legitimacy, and divorce, which should be of equal authority throughout the empire, and which should be so adjusted to the jurisprudence of other countries, as to obviate the intricacies and perplexities which have hitherto attached to our imperfect and unsettled legislation on these important subjects.

Indeed there was good reason to expect that their lordships the bishops would have been first in the field of reformation with some well concerted scheme of their own, under a conviction which they must all have felt, that their table of prohibited degrees exceeded the requirements of the law of the land, and was equally unsanctioned by the word of God; that they were not only repugnant to the religious and moral feeling of the country, but at variance with its every day practice; and that it was high time for the fathers of the Protestant church to repeal canons which were originally mere inventions to make a market of indulgences, and to join the legislature in forming a comprehensive civil marriage code, which, without embracing nice distinctions and metaphysical subtleties, should be based on the general principles of a just and enlightened morality.* Demonstrations made about the same period by the two learned lords the ex-chancellors on the subject of our very singular matrimonial legislation, proved that they at least were prepared to enter upon a complete revision of the marriage law. But there was no movement till the year 1835, and then what was done reflects no honor upon any of the parties concerned in it. As an act of legislation it is worthless, because it is in defiance of all moral principle. It is indeed a contradiction, which proclaims the same thing to be good and evil with the same breath. But its history sufficiently illustrates its character. It is thus given in one of the pamphlets before us:

‘It is pretty well understood, and we believe accurately, that Lord Lyndhurst’s statute of 1835 was in a great measure directed to the cases of a nobleman of high rank, an attack on whose marriage with a sister of a deceased wife was feared, and of some few other individuals whose names are well known, and who were similarly circumstanced.’

* Is there a bishop who can lay his hand on his heart and say that he believes marriage to be forbidden by *Scripture* in all the cases mentioned by Parker? *Not one*; yet they all acquiesce in circulating that table in the Bibles and Prayer-books published by the Society for Promoting Christian Knowledge, and Parker’s table *distinctly asserts* that marriage is forbidden by *Scripture* in every case mentioned in it. The Church therefore is propagating a moral heresy, that is a lie.

The comment which follows is perfectly just, and the censure it implies most richly deserved.

‘ Though of course nothing could be more natural, or less objectionable, than that parties feeling, in their own persons, the mischievous effects of the then existing laws as to voidable marriages, should be the moving parties to a change, yet it is certainly to be lamented that measures professedly enacted on public grounds should so often have, in their origin, a personal reference to some individual case. The law in such a case necessarily is more imperfect in its future bearings and operations. If a law be really started for some personal and individual purposes—to quiet, for instance, the title of the son of the earl of A., or the conscience of the duchess of B.—it is impossible that its workings on society and on international rules can be so fully considered as they should. The marriage law, of all branches of law, has been peculiarly unfortunate in this respect; for almost all the acts on this subject in the statute book, if their secret history could be traced, would, from the earliest of them, be found to have had much of personal reference in their origin. There being but little consideration how far laws of this sort are adapted to the state of the public mind, as a consequence, when passed, they are looked upon like the revenue laws, as having been made to be evaded. Indeed *here* evasion is actually allowed by act of parliament; and all the wholesome provisions for the protection of minors and their fortunes, and for the prevention of clandestine marriages, may, by express authority of the law itself, be broken through, by taking a carriage over the Tweed, or a steamer across the straits of Dover. Now, any law on any subject systematically disregarded by the public, has beyond doubt a very bad moral tendency on the public mind. The mere dead-letter-law brings a mischievous ridicule on law in general; but enactments, though good perhaps in the abstract, on subjects so connected with the moral and religious feelings of men, as that under consideration, if so far against the public sentiment as to be constantly broken, have an effect on the national character and tone of public principle, deeply and widely detrimental. No such law should be enacted without full consideration; nor should any bias from personal events be allowed to bear upon it; and when enacted it should be a *strong* law, and not one nugatory, and by common consent to be broken without the slightest penalty. But if this be the desideratum, the law of marriage will appear to be every thing but what it should be.’

It is true that this very objectionable statute seems to be made with the view of enabling the rich and independent to evade it. But on the popular mind it must exert a most baneful influence. Common intellects will be puzzled to understand what difference an act of parliament can make in the moral character of two marriages solemnized under precisely the same circumstances with the same relationship of affinity. If the one is incestuous, the other must be incestuous also. On what

principle, then, can the one be legalized and the other prohibited? Is there no moral turpitude in either—no violation of the sanctity of religion?—Why, then, is the one to be surrounded with protections and immunities, and the other to be branded with infamy and visited as a crime? Yet this is the legislation of the ex-chancellor Lyndhurst; marriages that before the passing of his act were voidable, were by that act constituted legal; and many persons in these circumstances, that had not contracted matrimony, took advantage of the interval between its passing and coming into operation to marry under its sanction; whereas, had they suffered another day to pass, their marriage would have been stigmatized as incest, and their offspring, which are now legitimate, would have been bastardized, without inheritance, and without a name. It is such legislation as this that brings laws and law-makers into contempt.

While the noble author of this measure held the chalice of domestic happiness to the lips of hundreds, what right had he, by the same act, to withhold it from the eager and outstretched hands of thousands? Where was the morality, the justice, the expediency of such a procedure? The particular marriage of affinity almost exclusively struck at, as far as Lord Lyndhurst's act is prospective, namely, with a deceased wife's sister, is precisely that which humanity suggests, reason justifies, and religion sanctions. That such a marriage is the dictate of our natural humanity, the history of civilized man universally attests. There is no precise law in any considerable nation of the world where such a union is prohibited.

‘A man may marry the sister of a deceased wife, either as a matter of course or upon a formal application to the authorities, throughout the whole of Prussia (including the Rhenish provinces), Saxony, Hanover, Baden, Mecklenburgh, Hamburg, Denmark, and most of the other Protestant states of Europe. Catholic countries afford no guide, their fashion being to extend the list of prohibitions, that the church may enjoy the privilege of dispensing with them. But the Levitical degrees are clearly not binding in practice, for there is a lady of rank now living who was married to her father's brother, an English baronet, under a license from the pope; and a son, by this marriage, inherited the title and estate.*

* A writer in the *British Magazine* (we presume Dr. Pusey) says, ‘Rome only permits such unions in single cases which, to her judgment, warrant the departure from the rule; she acknowledges the rule, while in the plenitude of her power she dispenses with it.’ If by the rule is here meant the will of God, as expressed in holy Scripture, Rome does not recognize it on the subject of affinities, within or beyond which marriage may be contracted. The

Priests were the first to enact so nefarious a canon, and Henry VIII.'s the only conscience that affected to be wounded by its violation.*

The Jews, who may be considered as the best qualified to interpret their own laws, as we have already shown, were never swayed in their conduct by what has been designated their law of marriage. Modern Jews, and more especially those who pique themselves on a strict adherence to their own law, are practically strangers to the Levitical degrees. Lord Lyndhurst's act indeed has thrown some of them into consternation, lest their marriages within the degrees prohibited in the statute should be rendered absolutely void; and certainly if the twenty-fifth of Henry VIII. chap. xxii. c. 4, applies to Jewish marriages, this would be the inevitable result.

Whether by the recommendation of a wife and a mother in her last moments, in which she breathes her expiring tenderness on the bosom of her husband, and in the presence of her infant children, he contemplates a union with her sister; or whether the husband and the father, feeling his forlorn and desolate condition, and deeply anxious for the well-being of his offspring, turns to the nearest surviving relative of their departed mother to be his solace and her substitute, we maintain that such a marriage is, not only beyond all reproach, but the very path which God and nature would point out to the afflicted widower, as well for himself as for the sake of his helpless orphans. In either case it proves that his attachment to his departed wife is the predisposing cause which induces him to unite himself with her nearest resemblance, and, next to himself and his children, her best beloved on earth. It gives new vigor to an affection which

only degrees which she acknowledges to be the general rule for the guidance of her subjects, are those which she has constituted by her own authority, not pretending to derive them from the Bible. By the same authority she dispenses with them; for even the pope does not arrogate to himself the power of cancelling a divine command. Rome, therefore, denies that the Levitical degrees are founded on the will of God. In this Puseyite article (see *British Magazine* for November) marriage with the sister of a deceased wife is gravely reprobated on the construction which the writer chooses to put upon the text, 'they are no more *twain*, but one flesh.' The wife's sister, by this mysterious process, it is maintained, becomes the sister of the husband. The same method of interpreting scripture is adopted by the Romanist when he attempts to prove the doctrine of transubstantiation.

* *Chamberlain.* It seems the marriage with his brother's wife
Has crept too near his conscience.

Suffolk. No; his conscience
Has crept too near another lady.

Shakspeare.

death could not extinguish, and a natural mother to the children in the person of one they had from their infancy been taught to love. Where such a contract is formed it is an evidence of previous domestic happiness, and shows an anxiety on the part of the husband to perpetuate the felicity he had enjoyed in his former hallowed connexion; that he loves his children as much for the sake of their mother as his own, and that he clings to her memory in the person of her living representative. It is a new and interesting link which binds the domestic circle in a more intimate and delightful relation at the moment which threatened its disruption. It sanctifies the past, and is the least disturbance, while it proves at the same time a happy addition to those circumstances of domestic solace and enjoyment, which death has altered, but not destroyed. In such a case the family still goes on. It is the same. A selfish stranger is not obtruded with a totally new class of interests to estrange hearts which bereavement has knit together by the tenderest ties of love and sorrow.

We shall not condescend to notice objections against legalizing marriage with a deceased wife's sister, derived from the depravity which might induce prospective and criminal advances on the part of the brother-in-law during the life-time of his wife, because we feel assured, that a being so deliberately and so unutterably base is not to be found upon the globe in which we live; and that if there be such a villain, he will not be prevented from attempting the accomplishment of his atrocious purpose by the existence of an act of parliament, which declares that he shall never *marry* the woman whose virtue he has destroyed.

Reason has nothing to urge against marriages which violate no physical law, which are rather marriages of quiet calculation as to the future welfare of children than marriages of passion; and as for morality and religion, the great majority of parties contracting such marriages have paid them the profoundest reverence, and their practice has been for the most part in conformity with the strictest virtue. One of the writers before us observes pertinently on this subject,

‘We may observe that in those countries of Europe in which the laws permit these marriages to be contracted, the power of contracting them has never been supposed to have an injurious effect on the state of morals in those countries. And we may further remark, that marriages of this kind have been common amongst the Jews for many centuries in every country in which they have sojourned, and that this circumstance has never been found to be productive of any immorality amongst them. Why, then, are we to conceive that this would be its effect amongst ourselves? Moreover, it is well known that many women, in the hope of thereby securing the happiness of their husbands, and providing the most fitting step-mother for their children,

have been desirous that their husbands should marry in one or other of the cases of relationship now under consideration, after their own decease; this is known to have been the earnest wish of many of the most delicate, and intelligent, and amiable of their sex, *when they were standing upon the borders of eternity*; and the best feelings of our nature forbid us to think that the removal of the impediments which prevent the accomplishment of the last earthly wish of such women as those we have adverted to, would be followed by any injurious effects upon the domestic peace and morals of society.'

Before the passing of Lord Lyndhurst's Act, the practice of marrying a deceased wife's sister prevailed to an infinitely greater extent than was at all imagined; nor did it imply any moral depravity, nor provoke any public censure. To these cases, therefore, might in all strictness the axiom be applied—'whenever a law is openly and avowedly transgressed by persons occupying a respectable position in society without losing character or caste, that law is morally speaking a bad law, and, unless there are strong grounds of policy for continuing it, should be repealed.' In exact proportion as it was wise, just, and politic for Lord Lyndhurst to legalize all the past marriages of this nature was it the reverse when he established their absolute prohibition for the future. This act has in no respect altered public opinion—nor are these marriages less frequent, though they are contracted in some cases under perilous circumstances, and in others at vast expense and inconvenience, and with some uncertainty; and in some instances where the law is broken with a view of violating the solemn engagement which is secured by no bond but that of honor and principle. In the first the parties brave all consequences, and deem a marriage which is celebrated by a spiritual or civil functionary, whether legal or not, a sufficient justification to their conscience. The second put themselves to the trouble, anxiety, and expense of going abroad, depending on the *lex loci* for securing the legality of their marriage in their own country; and this, in the opinion of some eminent lawyers, is rather a hazardous procedure. The authors of 'The Present State of the Law as to Marriages Abroad,' have entered at considerable length into this part of the subject; which, according to them, is anything but satisfactory. We believe that heartrending cases have occurred among the lower classes, especially in large manufacturing towns, of the wanton dissolution of these marriages; because the law as it now stands affords no protection to the ignorant and deluded sufferers.

We must conclude our long article. It is high time for the public voice to be raised on the subject. The question ought now to be thoroughly discussed and settled.

We have no wish, however, to see the foundation of the marriage laws disturbed. What is established, and inflicts no wrong on social virtue and happiness, though we may justly question the rectitude of its principle, we would not alter for the mere sake of change. Taking Dr. Wood's three divisions of the law of marriage between near kindred, we would restrict any anticipated legislation on the subject to the last. 'The law of nature forbids it in the ascending and descending line; the law of nations between brothers and sisters, and the civil and positive laws, where there is any other prohibition.' Courts Christian, and all the canonical trumpery of Rome, we pray to be thoroughly rid of. Popes and archbishops have never proved themselves to be the friends of the human race. Those laws certainly ought to be rescinded which 'make in Scotland marriages good, the children legitimate; and in England the husband a felon, children bastards, and the wife an outcast, unless, indeed, she survive; and those which give her his personal estate by the mouth of the same judge, half lawyer, half ecclesiastic, who a week before would have annulled the marriage, and for the good of her soul sentenced her to do a white-sheet penance in the face of the church.'*

Sir William Follet, on the 24th of August, 1835, stated that he considered 'Marriages by affinity ought to be allowed beyond the second degree of affinity, and that a man ought to be allowed to marry the niece of a deceased wife.' It appears, too, from Mr. Poulter's speech on the 20th of August, that Dr. Lushington promised 'that in the next session a bill should be introduced for making certain marriages in future good and valid; for the clause in question (that in Lord Lyndhurst's Act) distinctly and finally condemned, to all intents and purposes, all such marriages as absolutely null and void.' Dr. Lushington has never yet redeemed this promise, but is waiting, we suppose, as he said on the 24th of August, 1835, 'till they had time to consider it in all its bearings on society.' A good object, doubtless, but one, it would seem, somewhat lustral in its requirement of time.†

* The Present State of the Law as to Marriages Abroad, &c., p. 34.

† The following case is disgraceful to the court in which justice was refused, and loudly calls upon Dr. Lushington and Sir William Follet to redeem their pledge without a moment's further delay.

19th June, 1840.

Before Sir Herbert Jenner.

In the Goods of Theodosia Rice, deceased.

In 1836, Jevan Happer, Esq., intermarried with Henrietta Rice, spinster, one of the daughters of the Rev. Richard Rice, of Farringdon, Berks, Clerk.

The marriages which we wish to see established on the broad principle of law, have long proved sources of domestic happiness, and laid the foundation of many a virtuous family. Indeed, we have direct evidence of the kind daily accumulating upon us; and how much more numerous and extensive benefits would they confer if they were rendered as legal as they are moral, as consonant with the law of the land as they are agreeable to the law of God.

Mr. Dwight's work is crowded with fallacies. The *petitio principii* is the basis on which most of its sophistries are founded. He lays down the law with all the infallibility of Archbishop Parker, and maintains in their length and breadth all the prohibitory degrees, to which his table demands implicit obedience. From the eighteenth and twentieth chapters of Leviticus, with the help of the archbishop, and by a parity of reason, the prohibitions by implication are nearly as many as those that are literally expressed. His law of incest embraces lineals first, and collaterals afterwards. He divides them into triads, and in each triad the first is a relative by the individual's own consanguinity; the second by the individual's own affinity; the third by the consanguinity of the married partner. 'The law,' he tells us with complacency, 'has thus a beautiful and truly mathematical simplicity.' The following sentence is not a little amusing. It reminds us of a certain Doctor, who gave so many demons and a half to each of the swine who ran violently down a steep place into the sea and were drowned. 'Brother and sister, both of the whole and of the half blood, are expressly forbidden to marry. A conscientious man will of course consider the same rule as extending to all other collateral relatives by consanguinity and affinity, *on the ground that he cannot consent to incur half of the guilt of incest.*' The pamphlets from which we have given copious extracts, fully justify us, we think, in

She died in January, 1838. In April following he married (in Scotland) with Theodosia Rice, spinster, the sister of his first wife.

Prior to this second marriage, viz., 29th of January, 1838, the said Theodosia made her will, and bequeathed the whole of her property to her intended husband, and appointed him sole executor. And also, prior to the said second marriage, and in contemplation thereof, executed a deed, dated 7th April, 1838, and thereby vested the whole of her property in trustees, subject to her appointment by *deed* or *will*. Subsequent to the second marriage she made a will, dated 20th May, 1838, and gave the whole of her property to her said husband, and appointed him sole executor.

She died 22nd April, 1840.

Motion to the court for probate of the first will, and to be allowed to designate the deceased as 'spinster' or 'single' woman, the latter as most proper.

Court refused to make any order, and left it to the executor to find his own way.

coming to the following conclusions; while the course of argument we have pursued places the institution of marriage on its right basis, and points out to legislatures the great principles on which it ought to be regulated.

‘1. That no restriction, particularly on moral subjects, should be imposed or continued contrary to the feelings and opinions of the educated portion of the community.

‘2. That the bare fact of a law being habitually infringed without loss of reputation, is a ground for reconsidering and (unless counterbalancing advantages can be shown) repealing it.

‘3. That the supposed law forbidding a man to marry his deceased wife’s sister, is constantly infringed by persons who notwithstanding continue to fill the same position in society.

‘4. That it is enjoined neither by religion nor morality, and has been deemed at variance with both by individuals of virtue and learning, as well as by many enlightened Christian communities.

‘5. That under these circumstances there is no hope of regaining for it the sanction due to a recognized precept of religion or a well-considered municipal regulation.

‘6. That the feelings with which a man is supposed to contemplate his wife’s sister cannot be beneficially affected by a bare law, unsupported by opinion, and liable to be evaded with impunity.

‘7. That there are many circumstances which afford a better chance of happiness in such unions than in any other.

‘8. That the present uncertain state of the law imperatively requires the interposition of the legislature, and is likely to occasion a great deal of unhappiness and immorality.’

Art. II. *Memoirs and Remains of the Rev. John Griffin, of Portsea.*
By his Sons. 1 Vol. 8vo. Hamilton and Co. London.

THE lives of eminently good and useful men are the best legacies of departed times. They are at once the patterns and the seeds of future goodness and greatness. The final issues and total amounts of their productiveness are not to be computed. They contain the best arguments for the truth and supply the best antidotes to error. They constitute the most valuable part of history, and present the best comments on divinity. In them we see both what is attainable by renovated human nature, and how to attain it. Their goodness which, in themselves, was in one view an effect, in their *memoirs* becomes a cause. Thus, in an emphatic sense, the good live their useful lives over again, and by their bright examples become the

moral progenitors and models of just as many more as they impress with noble sentiments, and rouse to holy emulation. Humanity, not to say religion, would sustain an infinite loss, if the memory of the just perished with them ; and if the surviving generation could derive neither the love of virtue, nor the glow of magnanimity, nor the fire of zeal, from the example of men who have so nobly played their part in bygone days. Memory, therefore, is one of our choicest blessings. It were a sad case, were it true, as represented by the poet, in any other than a poetical sense—

‘The evil that men do lives after them ;
The good is oft interred with their bones.’

Both good and evil, as embodied in men’s characters and actions, doubtless possesses a seminative energy ; but it were confessedly a gloomy thought that the *good* should be less perennial. We believe it is not so, and cannot possibly be proved to be so. The progressive advance of *good* upon evil, however slow, and which we shall here assume to be undeniable, is a proof that evil has at least no advantage over it in respect of inherent vitality, whatever it may have in respect of the extraneous circumstances under which both are perpetuated in this strange and motley world. The Author of all goodness has impressed upon it the image of his own immortality, and destined it ultimately and for ever to shine forth in the rays of his own glory. It lives from age to age, and is renewed from generation to generation ; though properly expressing ourselves, it is not to be estimated by generations ; but is essentially a divine donation, constantly, though variously, imparted to all generations, in measures sufficient for the improvement, happiness, and usefulness of all.

When we speak of human generations, however, we are apt to associate with the terms the ideas of a complete departure and a complete renewal ; just as if all the men and women of one age passed away at once, and were succeeded by an entire race of children and novices : whereas the imperceptible abstractions and additions (we mean *imperceptible* only as it regards the universal family of mankind) leave the whole in possession of advantages for wisdom and virtue, nearly equal to those which would be afforded by the supposed protracted existence of each through the entire age of the whole race. The efflux and afflux may be illustrated by the perpetual change of particles which physiology informs us takes place in the human body ; and which, though discoverable at once in particular parts, and, by experiment and inference, demonstrable of the whole, yet proceeds without our consciousness, and without

impairing in the slightest degree our sense of identity through the entire period of our existence. The *individual man* is gone, but the entire race lives on, unconscious of his departure. Another has already taken his place, so that the whole body is still unimpaired, and, generally speaking, undiminished. But, moreover, it is to be observed, he has left behind him, in the influences he exerted while living, upon the minds of those who are to live after him, the entire sum of virtue and goodness he possessed. *That* has become as real a legacy, and has now as truly passed into other hands, as the money, the lands, or the chattels, if any, which he left to be distributed among survivors. Men no more take away the influence of their entire character when they die, than they do the houses they inhabited, or the ground on which they trod. Goodness, in this respect, is like nothing purely human—because it transcends in its nature and effects all other gifts conceded to men. It cannot perish like the fruits of genius, of science, and of art. It is not even subject to the accidents to which useful authorship is liable, in its entire decay and disappearance. Neither does it survive in a mere name or a shadow, a relic or a representation, but in its own peculiar and proper identity of *goodness*. It is an imperishable reality, surviving in human hearts when all else decays. It is that one thing pertaining to us which we both take with us and leave behind us—the only substantial benefit we bequeath to our race. It is, in short, the indissoluble bond which connects us with all the good of past and coming ages, and at the same time connects all the good of all ages with Him who is the exclusive and exhaustless fountain of being and blessedness. Hence the *lives* and *memoirs* of good men, and especially of such good men as have been active in the cause of religion and of human improvement, may be compared to nursery grounds and seed-beds, from which other lands are to be planted and stocked. In this view we feel an unfeigned pleasure in recording the appearance of this interesting volume, and in presenting to our readers some specimens of its contents.

Mr. Griffin was one of the most devoted, active, and useful men of the last generation—a race of philanthropists and Christians, who created an entirely new era, marked by a movement so evidently in harmony with the designs and intentions of providence, that the lapse of years has but served to surround it with accumulating successes, and bear it onward towards a yet future, but predicted and glorious consummation.

The following extract will make our readers acquainted with the early life of Mr. Griffin.

‘John Griffin was born the 25th of April, 1769, at the beautiful little village of Wooburn, Buckinghamshire. His father was in

humble life, being manually employed in the paper manufacture. But though, in a worldly sense, the subject of this memoir was thus undistinguished in his birth, it was a matter of gratitude, not to say of worthy pride, on his part, to be able to remind his children that his father was an industrious, honest, and truly pious man. The supposable influence of the religious habits of his parents will render the facts mentioned in the following unadorned pieces of autobiography, as natural as they are interesting. 'These short and simple annals' of a young villager, a rustic boy, who, under the blessing of God, by the native force of an original and persevering mind, emerged from comparative obscurity into a life of great popularity and usefulness, will be the more acceptable from the touching simplicity of the style in which they are recorded.

'The desire of being a minister was very early in life experienced by me, for, when a school-boy about seven or eight years of age, I felt strong impressions of being a minister; and what makes me so mindful of it is, the great delight I recollect to have enjoyed when I could get by myself, and laying a Bible, Prayer-book, or some other book before me, read aloud, and endeavor, by making a noise, to imitate the ministers whom I had heard.

'Between eight and nine years of age, I was under the necessity of going to labor in the paper business, when, mixing with men and boys whose morals were bad, I found those serious thoughts I remember to have had at school, and in hearing the conversation of my good grandmother, Lydia Marlow, and some good people who frequently came to the house, wear away, and evil ones take their place. About this time, my father, who was a good man, and belonging to the religious society at Wooburn, was in a lingering illness, or decline; but being able to sit up, he was capable of seeing something of my sinful conduct, and of hearing some of my obscene and wretched language, which he once, in a most tender, gracious, and faithful manner, called me to him, and with tears in his eyes said, he must soon die, and, added he, 'If you live and die a naughty boy, you will go to the place of torment, which is prepared for the devils and all wicked people.' His soft tears washed deep furrows in my hard heart; for the impressions then made were never obliterated. Soon after this, he died on a Sabbath-day morning, rejoicing in God. His death had some little effect on my mind, but not so much as one might imagine.

'About the age of twelve or thirteen, I felt my little heart puffed up with pride, thinking myself a man in wisdom, though a boy in station and age. My mother was tender, and I believe at that time gracious, but too fond of me (as many parents are of their children) to restrain me at first. Having thrown the reins too loose on my neck at first, I then began to be too headstrong, and did not care tamely to submit to all she wished; but always bearing a filial regard for her, and she bearing such a parental regard to me, *her tears were more than I could bear*. These were of more avail to curb my proud and roving thoughts than threats or the whip could possibly be. I recollect a striking proof of the effect of her tears. One evening, some time before I arrived at the age mentioned before, we were sitting

together, and my mother read the twenty-fourth, twenty-fifth, and twenty-sixth chapters of Matthew; and the subjects much affected her. Looking in her face, I perceived her weep: being moved with tender affection and sympathy, I said, 'Mother, why do you weep?' And received for an answer, '*My dear, it is a hard thing to be a Christian.*' The impressions which the tears and the answer made on my mind were great, and though sometimes not thought of by me, they yet were never erased.'

'The above touching anecdote, so simply narrated, evinces that his heart had, even while he was a boy, become impressed with the sentiments of religion and a sense of the obligation of personal piety.

'He thus proceeds:—

'About the age of fourteen, I went out of curiosity to hear a good young man (Mr. Cooke) who spoke on the subject of the two blind men sitting by the way side begging. I heard the sermon, and remember it; but I do not recollect any great effect that it had; still my mind, by small degrees and various means, appeared to be bending towards religion. About that time, hearing Mr. English preach from Matthew vii. 13, 14, 'Enter ye in at the strait gate,' &c., I was remarkably affected. When I came home, I sat down and wept. My mother asking me the reason of my tears, I showed her the text. She then said, 'Was it the sermon that affected you?' I answering in the affirmative, she then endeavored to instruct and comfort me. From this time my conduct began to alter, and some religious friends took notice of me, and among the rest Mr. Cooke, who, by what little he said to me, was very useful. I was very fond of hearing. He being ordered by my master and friend, Mr. Revell, to give me Watts' Hymns and Psalms, I loved them and him much. After this, Mr. English gave me Mason's Pocket Companion, which, through the influence of the Spirit, was made very useful to me *in giving me to understand the way of salvation through Christ*; for before, and in some measure afterwards, I was exceedingly legal in my ideas. I remember a remarkable evidence of it; for having heard Mr. Hawkins from 'Tekel; Thou art weighed in the balances and found wanting,' I was asked by a young man afterwards what was intended by being weighed in the balances. I answered, 'Our good works are put into one balance, and our bad ones into the other; and if our good ones do not outweigh our bad ones, we shall be lost for ever.' But not being satisfied about the meaning, I, the next day, asked Mr. C. He said, we are weighed by the justice of God, and our works are put into one balance, and the works of Christ into another; if we are believers in Christ, we should be happy, but if not believers, then we should be found wanting. This gave me an insight into the plan of salvation, and, then reading that little book, I was enabled to rely on Jesus for salvation; and for some time I went on rejoicing in God my Saviour, thinking I should never be unhappy more, little sensible of the power of corruption, the strength of temptation, and the influence of the world. I thought my feet stood so fast, I should never be moved. But my youth, and, through want of knowledge, too much forwardness in religious company, made some despise me,

which tried my faith exceedingly ; but the more judicious, who knew, at least hoped, *that* would wear off as age and knowledge increased, were more free and encouraging. I now earnestly wished to join the society. Taking every opportunity of hearing Mr. English in the country, I had frequent conversations with him now about being a member of the church. But he wished me to stay longer on account of my youth, I being only between fifteen and sixteen. From about this time I felt an earnest desire to be in the ministry, which increased with almost every sermon I heard. This drove me frequently to my knees, and led me to seek every opportunity to read. Fox's Book of Martyrs, Henry's Commentaries, Hervey's Dialogues and Meditations, with some other good books, employed much of my time, often till midnight or two o'clock in the morning, though under the necessity of being up by four or five.—pp. 3—8.

In due course he was admitted into the church, and under the direction of his excellent pastor, was soon after employed in village preaching. The ability he manifested in these early exercises induced his minister to think him a suitable person to be wholly devoted to the preaching of the gospel. But his friends had no means of providing for his education.

‘ In September, 1789, Mr. English came into Gloucestershire, and calling on Mr. Winter, who was then authorized by Mr. Thornton to educate a youth for three years for the ministry, and by Mr. Welch to educate three, Mr. Winter asked Mr. English if he knew a serious young man, who wished to be in the ministry, whom he could recommend. Mr. English, thinking it in providence, rejoiced to find such an eligible method of introducing me as a minister of the church of Christ. My having formed an attachment to a young female friend was at first considered a barrier : and the result rested upon my being able to keep single for four or five years ; which being left to me, was soon settled, for my heart was so much in the ministry that I was comparatively careless about every thing else. The thought that providence had appeared in so remarkable a manner was almost too much for me. I now saw that the Lord was a prayer hearing and answering God. I thought I should never doubt his providence more, nor indeed have I ever done so as before.’

‘ The pious and distinguished servant of Christ mentioned in the last extract, Mr. Thornton, of whom our deceased father never lost any occasion of speaking in terms of most affectionate and grateful veneration, in the exercise of that truly catholic spirit which was the brightest distinction of his character, was in the habit of assisting, by his benevolence, in the education of pious young men for the ministry, whether in or out of the establishment.

‘ At the time when Mr. Griffin was informed by Mr. English of the opening under Mr. Winter, he was made acquainted with this fact as to Mr. Thornton's benevolent practice ; and it thus became a matter for his consideration whether he would prefer to exercise his ministry in connexion with the Church, or as a Dissenter. He decided on the

latter. He has often informed his family with reference to this important event of his life, while reminding them of his and their obligations to God for his merciful direction and guidance, that it was a singular instance also of a special providence in another respect, since, as he was afterwards led to understand, if he had at this time determined to go into the church, and had been studying under Mr. Thornton's patronage with that object, there might not, according to that benevolent gentleman's plans, have been the vacancy which a year or two afterwards, by the application of Mr. Newton, was occupied by Mr. (afterwards Dr.) Claudius Buchanan, the enterprising traveller in India, and the pious and learned author of 'Christian Researches.' The subject of this memoir never lived to regret the course he had adopted, or to doubt, in the least degree, or in any view of it, its propriety. The sincere friends of the cause of Christ will all unite in and appreciate the sentiment, constantly expressed by our father, of veneration and esteem for the memory and services of his distinguished contemporary.

—pp. 12—14.

The period of his residence with Mr. Winter was divided between study and preaching. His occasional services in villages and neighboring congregations were made eminently useful in the conversion of many individuals. Even during his novitiate at Painswick, he received the name of 'A young Whitfield.' The following anecdote pertaining to this early period of his ministry will be read with pleasure by all who appreciate generosity and admire the overruling providence of God.

'The following highly interesting anecdote was related in the vestry after his preaching a very excellent sermon on the doctrine of divine providence overruling all mortal affairs; a subject on which he delighted to dwell. I took the liberty of expressing the wish that he had related the anecdote in his sermon, as confirmatory of the doctrine; he replied, that he had entertained some thought of doing so, and had considered it better to omit it, on account of so much of *himself* being mixed with it.

'When a student for the Christian ministry, his vacations were usually devoted to preaching the gospel in the adjacent town and villages, and after the labors of the Sabbath he felt it to be his duty, during the week, to visit the members of the church of Christ, especially the poor of Christ's flock. On one of these occasions, he called to see a poor but pious widow who kept a small shop in the haberdashery line, and on which alone she depended for a maintenance. While they were in conversation in the shop, a person entered, whose presence so alarmed the widow, that she abruptly left, and ran up stairs to her chamber. Unacquainted with the cause of the sudden disappearance of the widow, and wondering in himself what it could mean, he anxiously inquired of the stranger his business, who promptly replied, that he had a bill against Mrs. ——— for goods which he

was anxious to have discharged, and he supposed his unexpected appearance had created the alarm he had witnessed. A glow of benevolence fired the generous breast of the young minister, and he requested to know the amount of the bill. The bill was then produced, which amounted to between six and seven pounds, just about the sum he had in his possession. Now the question arose in his mind for a moment, as to the path of duty, but the kind and sympathizing feelings of his heart overpowered every other consideration: he paid the bill, and received a receipt for the same. After the creditor had taken his departure, he called to the widow to come down; she came with a heart big with anxiety and grief:—he stated to her what he had done, saying, that whenever it was in her power she could repay him, and then presented her with the receipt. The joy she felt was expressed with overpowering feelings, mingled with tears, to her kind benefactor. On leaving the widow's shop he experienced some conflicting feelings, lest he should have overstepped the bounds of prudence;—he had emptied his purse, but the sweet recollections he entertained of the encouraging admonitions to acts of benevolence which he had received from his venerable tutor, enforced not only by precept but example, had the effect of removing his scruples on this point, and of encouraging him to cast himself and his circumstances on the Lord. On the following Sabbath he was engaged to preach to a large congregation, and an aged widow lady of some affluence had her attention excited by what she had heard of the preaching of the young minister, and determined on hearing him in the evening. She was conveyed to the chapel in a sedan chair; and such was the effect of the sermon on her mind, on the following morning she sent for her attorney, and directed him to place Mr. Griffin's name in her will for one hundred pounds. Mr. G. recollected seeing the lady in the congregation, but never spoke with her. This circumstance remained unknown to him till the death of the lady, which occurred several years afterwards, when he had become the settled pastor over the Independent church at Portsea, surrounded with a numerous and rising family, whose calls at that time were of a very pressing nature. The post brought him tidings of the late decease of the lady, and of the unexpected bequest of this unknown friend.'—pp. 64—67.

In the year 1793, he received a unanimous invitation to settle as pastor over the Independent church at Portsea. One of the most interesting and important events connected with his ministry at that place was the conversion of Captain Wilson, who subsequently took the command of the ship *Duff*, and conveyed the first Christian missionaries to the South Sea Islands. The whole narrative of Captain Wilson's conversion was published in his memoirs, but a brief notice is contained in the following passage from Mr. Griffin's diary.

“ Among some others, a young man of the name of Wilson, who was deistical in his sentiments, appeared to be concerned for his im-

mortal soul, owing to a sermon I preached from Rom. viii. 29, '*Whom he did foreknow, he also did predestinate.*' This discourse, as he afterwards told me, made impressions on his mind which he could never obliterate. In this instance, I cannot but admire the truth of this passage, '*Your thoughts are not my thoughts;*' for having been in his company, and conversed freely with him, I knew he was a deist; and therefore I felt much concerned when I saw him come in, for I thought it was a pity I had *such* a subject to treat of that morning, as being unsuited to him, but God knew what would suit, and when He applies the truth, it is efficacious. *May the Lord carry on his work in his heart, and make him a shining character in the church!*

'Little did he who, thus silently and unseen, breathed and recorded this prayer of pastoral affection and piety, then think that it would meet an answer on the island shores of the Pacific; that the recently deistical object of it would be honored to be, not long after, the conductor of the first exclusively missionary voyage,—the bearer of the olive-branch of the gospel to the savage isles of the south.'

—pp. 82, 83.

In the year 1795, only two years after Mr. Griffin's settlement at Portsea, the attention of the religious public was called to the project of forming The London Missionary Society. Our readers will be gratified by reading the following passage, which shows the interest he took in that great movement even from the beginning.

'There are now left but comparatively few survivors of those who took any prominent part in the proceedings of the series of public meetings held in September 1795, in London, at the formation of the London Missionary Society. It was the great privilege and happiness of Mr. Griffin to be, if not, strictly speaking, one of its founders, yet among the most zealous and enthusiastically approving of those who were engaged in its actual establishment.

'He alludes to the subject in his diary.

'September, 1795. The subject of forming a missionary society in London, to send the gospel to the heathen, excited a considerable degree of attention. We conversed among our people and with each other upon the subject, and the church resolved to send me, as their deputy, to London, to meet other ministers on the 24th, for the purpose of forming a society suited to the end.'

'No peculiar honor, considered in the sense of merit, and as distinct from that of all others engaged, is, of course, intended to be claimed for Mr. Griffin for his participation in the proceedings of this great and happy assembly. But in the sense of high and holy privilege conferred, it may be accounted and recorded as one of the most distinguished honors connected with his ministerial life, and such as the best of men might most have envied, that on one of the most important of those glorious and celebrated meetings (called in the Evangelical Magazine '*the Conference*'), at which the London Missionary Society

was instituted and set in operation,—that, namely, on the Thursday morning at Surrey Chapel, being the first meeting after the complete formation of the Society, and the election of its first directors, and at which the Rev. Rowland Hill preached, and the Rev. Dr. Haweis announced the plan of the South Sea Mission,—it was assigned to Mr. Griffin to offer to the heavenly grace, on behalf of the now fully organized and operative institution, *the dedicatory prayer*. It is understood, that as his style, in public prayer, even at this early period of his ministry, as was remarkably the case afterwards, was characterized by the qualities of terseness, comprehensiveness, fervor, and devotion; he performed this essential and interesting part of the worship in a manner not unworthy of the great and sacred occasion.’—pp. 94—96.

In the course of Mr. Griffin’s ministry he had many occasions to observe the work of God which occasionally manifested itself among seamen, in whose spiritual welfare he always took a deep interest. The following fact is from his diary.

‘A seaman in the Mediterranean, in the fleet under the command of Lord Nelson, desirous of being spiritually serviceable to his messmates, began with a man who was sick; he waited on him, then talked to him till his mind was awakened, and he became truly serious. Another, seeing the evident change effected on his messmate, and observing how kind the good man had been to him, listened to their conversation, and heard till his mind was under a saving impression. Nine of the men were serious; and before the battle of the Nile, when they perceived that the engagement would soon commence, they got as many of their friends as they could together, and spent a few minutes in prayer, and commended each other to God, and then took leave of each other, expecting never to meet altogether again.

‘After the engagement, in which a great number of their ship’s company were killed, they sought for each other; and though some of them had been stationed at different guns where several of their shipmates had been killed, not one of them was either killed or wounded. When the ship returned to Portsmouth without their having any previous knowledge of me, they inquired for me, and asked if they might partake of the Lord’s Supper with us. They exhibited their principles of faith and conduct, and the rules which they had entered into with each other; and nine of them sat down with us at the Lord’s Supper.’—pp. 114, 115.

Mr. Griffin’s eminent success, both as a preacher and pastor, was evinced in the rapid and constant increase of his congregation. The chapel in Orange Street had been twice enlarged during the first ten or twelve years of his ministry. Still it was too small to accommodate the multitudes who came to hear, and the project of building another place of ampler dimensions was entertained. This purpose was carried into effect in the year 1812. The previous chapel had been computed to hold

fourteen hundred, but the new one was adapted to accommodate three thousand. The interesting day which witnessed its opening formed a new era in the life of the devoted minister. His sphere of usefulness was hereby greatly increased, and the divine blessing appeared conspicuously to rest upon the bold and zealous efforts of Mr. Griffin and his friends. The circumstances connected with the consecration of the edifice to the service of God are thus pleasingly described by the biographers.

‘The new chapel in King Street, Portsea, was opened for religious worship on the morning of the 7th of September, 1813. This was no ordinary occasion of the kind; the size of the chapel, considered as that of a provincial edifice of Dissenting worship, and the celebrity of the preachers, would be alike calculated to attract an unusual assembly. Several persons of distinction in the neighbourhood attended, and ministers and laymen of eminence in the metropolis and various parts of the country flocked to this sacred gathering, to assist in devoting, by prayer and public worship, this temple unto the service of God. It may now, in truth, be said of it, with regard to a goodly number of the fellowship of the saints, ‘This and that man (or woman) was born there.’ To God be all the glory! The Rev. Dr. Bogue, Mr. Griffin’s beloved neighbor and elder brother in the ministry, offered, with deep solemnity and holy ardor, the dedicatory prayers. His early and esteemed friend, the Rev. William Jay, of Bath, then preached a most original and impressive discourse from Matt. xxviii. 18: ‘*All power is given unto me in heaven and on earth.*’ The Rev. Rowland Hill preached in the evening from 1 Thess. i. 5: ‘*For our gospel came not unto you in word only, but also in power, and in the Holy Ghost, and in much assurance.*’ Mr. Hill also preached on the three ensuing Sabbaths; as may be supposed, he attracted to this large chapel overflowing congregations, and, as on his former visits to the town, his services were eminently blessed in their result. Mr. Griffin, in his published sermon on the death of the Rev. Rowland Hill, observes, ‘At the opening of this chapel, about twenty years since, Mr. Jay preached in the morning, and Mr. Hill in the evening. When he was going into the pulpit before preaching, the place being crowded almost to suffocation, he looked into the chapel from the vestry, and being informed of the names of some distinguished persons present, of the first rank, property, and station in the neighborhood, who came to pay respect to him and his family, he ejaculated, ‘Lord, help me!’ and, turning to me, he said, that soft and elegant sermon in the morning melts me. O what shall this poor babbler say!’ The sermon which followed this conversation proved that he was not always the ranter which some have imagined him to be. Shortly after, he visited us again, when the war had closed, and his nephew had been created Lord Hill: he was followed by a still greater number of the upper class of society, which excited him to some higher strains in the order of preaching, especially in the Sunday morning sermons; but he was most at home, and said some of the strongest and best things, when using the most popular style of address.

'A most enduringly interesting proof of the divine blessing attended the first sermon delivered by Mr. Griffin in the new chapel. On the first Sabbath morning after his return from London—whither he had gone as the supply at Surrey Chapel in Mr. Hill's absence—he selected for his text, peculiarly appropriate, as it would seem, for such an occasion, Isa. lxiv. 1: '*O that thou wouldest rend the heavens, that thou wouldest come down, that the mountains might flow down at thy presence.*' According to the written statement of his eldest son and child, given on his admission to the church, this sermon was rendered, by the infinite mercy and distinguished grace of God, a great blessing to his soul, and one of the instrumental means of his decided conversion.

'At the date of a year after the opening of the chapel, we meet in our father's diary with the following expression of his gratitude to God, in connexion with this important event in the history of his ministry.

'September 6, 1814.—Have this day read the foregoing, of the 5th December, 1805, with some pleasing and grateful emotions of soul. The Lord heard my prayer, and enabled me and my friends to build a house for God that will hold, when crowded, three thousand people. It has now been opened twelve months to morrow; and, blessed be God, who has been my helper, the place has been attended far beyond my most sanguine expectations. The seats are all let, and the proceeds are quite sufficient to cover all expenses, and to help to liquidate the debt. What an infinite mercy that we have thus accomplished such an important object with so little difficulty, and such almost perfect unanimity! Bless the Lord, O my soul, and forget not all his benefits. In future, trust Him.'—pp. 229—232.

In the case of Mr. Griffin, the complete success of this unanimous design no doubt justified, in his view and that of many others, the step which had been taken. How far, as a general rule, it may be proper to encourage such a centralizing of the Christian body is another matter—and how far the superhuman efforts demanded from one man by so large a congregation, may have accelerated the termination of his invaluable labors, deserves grave consideration. As a general principle, we cannot but think that a congregation of between two and three thousand in regular attendance, which with those connected must form a total of above three thousand, or three thousand two hundred, is much too large, and that whenever such a body of people can be drawn together under the ministry of the gospel, they will be made more useful to the surrounding population, to say nothing of their own edification and comfort, by being formed into two or three distinct churches. Large families ought to separate; populous nations are obliged to colonize; and Christian churches ought not to accumulate around one popular minister to such a degree as to overtask his strength, and deprive themselves of that distinct personal attention to their spiritual concerns, which in a crowd they cannot

expect from any minister, however gifted, but which under other circumstances every faithful man would gladly show them.

Mr. Griffin was blessed and honored by seeing two of his sons devoted to the Christian ministry. One, indeed, was cut off soon after his settlement at Exeter, and in the spring-time of promise and of fruitfulness. But the other, the Rev. James Griffin, of Manchester, one of the biographers, will, we trust, long continue to sustain the name and Christian reputation which have been bequeathed to him.

We should gladly extend our extracts, and had particularly marked for this purpose Mr. Griffin's very admirable letters addressed to his sons during the period of their academical studies, but we must hasten to a close.

The last years of Mr. Griffin's ministry, though marked by a decline of bodily vigor, were marked by no decay of mental energy. An abundant blessing attended his labors and those of his esteemed colleague, who was settled in the co-pastorship with him but a few years before his decease. In no event of his life was his practical wisdom and fervent zeal more displayed, than in the determination he formed to avail himself, before the effects of his own decline in strength should become visible upon his congregation, of the assistance of some devoted and energetic young minister. His example in this particular is eminently deserving the attention of other pastors in similar circumstances. At the present moment there are many Dissenting churches visibly declining or actually fallen into a state next to dissolution, through the continuance of infirm and unsuitable men in the pastorate. Sometimes the evil arises from an unbecoming jealousy on the part of aged ministers to see another increase while they must decrease, sometimes through the want of that self-knowledge which should make them conscious that they are not and cannot be what they were in former days, and sometimes through a mistaken policy on their own part, or that of their people, as to the possibility of supporting two ministers. Yet, assuredly, two ministers could, in most cases, be more cheerfully and adequately supported, by a flourishing and devoted congregation, than one by some paltry endowment and a few languishing and dispirited people. In some instances aged ministers deeply feel their incompetency, and would gladly give place to younger and more active men, could their wants be supplied for the few remaining years of their earthly sojourn; and such would surely be refreshed to see the churches over which they once presided, and among which they might cheerfully spend the evening of life, flourishing again as when themselves were young and strong to labor. But they have no re-

source, and are constrained, however reluctantly, to drag on till they die in harness. There may be cases in which old ministers fondly think they preach as well and as attractively as when in their vigor and prime—or even better. Such might be hard to be convinced even by their empty chapels, that the time was come for their retirement, as long as a snug parsonage and a sufficient endowment met all their wants. But surely, even in such cases, efforts should be made by neighbouring churches, or the body of Dissenters at large, to induce such good but mistaken men to receive assistance, or give up their pulpits to others, even though it should be necessary for them to retain the emoluments for the few remaining years of their life. There is no subject connected with the interests of the Dissenting denominations that more urgently demands attention at the present moment, and no greater boon could be conferred upon the cause of Christ, in connexion with the Dissenters, than the establishment of some system of support for aged ministers, which should secure to them a competency equal to that they might relinquish, for the sake of reviving those churches to which at present they cleave for a support. Were measures to be adopted, either by the Home Missionary Societies, or any one formed for the purpose, which should provide efficient assistance for the pulpit during two or three years, many such congregations might be revived sufficiently both to support a young minister, and leave the old one in the undisturbed enjoyment of his present income. Could such assistance be secured, we cannot but think many an aged and faithful servant of Christ might be persuaded to give place to a younger one, and have his last days cheered by witnessing a revival of the cause of God in the place where he had spent his best years, instead of remaining at his post till his chapel was deserted, his work a burden, and his old age friendless and desolate. We trust we shall be pardoned this digression. We were led into it by our admiration of Mr. Griffin's conduct, and our recollection of two or three similar instances, in which the divine blessing has evidently attended the measure, thereby rendering the last days of some of our venerable ministers peculiarly cheerful and happy. The subject, however, demands more attention than it has yet received, and we trust that among the multifarious projects for extending the cause of Christ, by which the present age is distinguished, this will speedily be taken up as it ought to be. A few public spirited individuals might soon place it before the churches in such a light as to command attention. We are aware that it is a delicate subject, and that the parties contemplated ought to be treated with the greatest respect and tenderness. And for these reasons we could wish that the most venerable and experienced

men should take the lead. We observe that the subject has been broached by several letters in the Patriot newspaper, and we trust it will not much longer be allowed to sleep.

But to return to the memoir. It only remains for us to say that Mr. Griffin's last days were all that the tenderest and most attached friends could desire, for an eminent saint and devoted pastor. The appearance of the memoir, though deferred till almost seven years since his decease, has lost nothing of its interest. The memory of the good man is, we trust, yet fresh enough to secure for the work an extensive sale. Its perusal will, we are confident, prove both interesting and edifying to all who admire excellence, love piety, and delight to see eminent talents employed and honored in the best of causes. The thanks of the churches generally, and of the ministry in particular, are due to the sons of Mr. Griffin, who have executed the filial and delicate duty of embodying and perpetuating their father's character and example, in a manner as gratifying to his friends as it is honorable to him and creditable to themselves.

Art. III. 1. *Reliques of Ancient English Poetry.* By THOMAS PERCY, D.D., Bishop of Dromore. Templeman: 1840.

2. *The Political Songs of England.* Edited by THOMAS WRIGHT. (Camden Society.)

3. *Reliquiæ Antiquæ, Scraps from Ancient MSS., illustrating chiefly early English Literature.* Edited by THOMAS WRIGHT and J. O. HALLIWELL. Nos. I. to VI. Pickering.

THERE are few persons, we think, who have made our early literature, or our antiquities, their study, but have been led to it in the first instance by the attractions of those fragments of old verse, those snatches of wild and pleasant, though rude, song, which still may be found in our remoter districts, or which meet us in our popular collections of ancient poetry. Nor is this surprising: ballad literature is emphatically the literature of the people. It must appeal, and appeal strongly, to our common feelings, or uneducated, unsophisticated men would not have treasured it up to repeat to their children's children; and it must be true to the general character of the people, or amid the changes of our social system, and the progress of successive generations, it would have been wholly cast aside, like the out-of-date garment, or the disused weapon. But, then, while the passages which appeal

to our common feelings still remain, much that is absolutely obsolete, by the very process of oral transmission, is lost; and the 'ancient ballad' is after all but a modernized version of some older original.

Now this, which to the antiquary is the insuperable defect of ballad literature, becomes to the young reader its chief advantage. Unacquainted, or at most but superficially acquainted with the character of the middle ages, that character appears to him less strange, less startling in the modified form of the ballad, than it would do in the more genuine manuscript remains; thus he obtains a less abrupt introduction to the peculiarities of that period, and ballad literature has thus done the same good service to our early poets as that 'pretty toy,' Strawberry Hill, did to Gothic architecture. That amusing, and yet almost picturesque jumble of lancet windows, Tudor doorways, and battlements copied from the stern keep of some Norman castle frowning upon oriel and cloister, attracted the public eye, and conciliated the public taste, until at length an admiration for the pure Gothic in all its beautiful gradations arose.

What Horace Walpole did for Gothic architecture, Dr. Percy did for early English literature; and we feel that no common praise is due to that scholar, who brought up in the 'very 'straightest sect' of the classical school, could yet appreciate the simple beauty of genuine old English poetry; and who, in the very teeth of the prosaic dulness of the middle of the last century, could boldly challenge public attention to these reliques of an age past by. The honor which is due to the discoverer, too, belongs emphatically to Dr. Percy, for he was the precursor of all those who have labored so abundantly in the same field, and the collections of Ellis, Ritson, Weber, and many others, as well as the two interesting works before us, may be traced to the impulse given to the literary world by the publication of these ballads.

The chief defects of this popular collection are its very miscellaneous character, and its introduction in too many instances of absolutely modernized versions, instead of the rude originals. Both these defects, we are well aware, have contributed to its popularity among that large class of readers who, with but limited historical knowledge, were wholly unacquainted with our early literature; but though rendered by these defects a pleasant book to them, it has become to the literary antiquary of the present day, a work of very slight value. Nor are the dissertations on minstrelsy, or on the early metrical romances, worth the waste of type and paper. Had the worthy and learned writer possessed the opportunities we enjoy in the present day of becoming acquainted with those stores of English mediæval literature which have been for so many centuries buried amid

the dust and cobwebs of our public libraries, we doubt not but he would have produced essays upon each of these subjects which might have rivalled that masterly dissertation of the late Mr. Price, prefixed to the later editions of Warton. But, as we have before remarked, Dr. Percy was the precursor in this path; and while we cannot but smile at his bringing forward as his authorities such writers as Mallet and Warburton, and 'the ingenious professor of belles lettres in the University of Edinburgh, Dr. Blair,' (!) it is but just to remember that these were the best, though bad enough, authorities he could obtain. Still, if the publisher of this new edition, instead of giving a mere reprint, had selected only those ballads and songs which profess to be antecedent to the seventeenth century, and had either substituted other introductory essays, or, as in the edition of Warton, provided supplementary notes, a very interesting volume would have been the result. As it is, we can only say, that all which the essays teach, the reader, if desirous of correct information, must have to unlearn; while instead of being obliged to consult 'Harleian MSS., No. 2252,' for one ancient metrical romance, and the 'Bodleian, C. 39,' for another, and 'Caius College, Cambridge,' for a third, he has only to go to any respectable bookseller, and inquire for the collections of Ritson, Ellis, Weber, and Haslewood, and he will find them all in print.

Ballads, by which we would be understood to mean short stories intended to be sung, do not form a very numerous class in our literature if compared with those of the northern nations; nor, in despite of the eulogies pronounced on many of them by no less a judge than Sir Walter Scott himself, can we assign them a high poetical rank. Indeed, at a feast of the poets, we should place the ballad composer, on account of his merits, very nearly in the same chair, or (to speak more in character with the time) on the same bench, on which, in consequence of his low station in society, our forefathers would have placed him, not merely 'below the salt,' but among the grooms and falconers at the lower end of the table. It is not, however, astonishing, that an age which considered civilization as not having commenced until the restoration of Charles the Second, and that writers who characterized even the days of James the First—that era that witnessed alike the last and finest efforts of Shakespere, and the first buddings of the genius of Milton, as 'an age of little poetic refinement,' should have smiled approvingly upon the homely ballad. The spirited English metrical romances were unknown to them; Gower was only recognized as a rhymester who had written a ponderous volume of unreadable verse; Chaucer, only known through the medium of coarse translations of some of his Canterbury

Tales, in which, while every sin against taste and delicacy was carefully preserved, all those bursts of sweet poetry, all that power of painting a vivid scene in a few words, which places him in the foremost ranks of our poets, were passed over, while the graceful productions of the Anglo-Norman trouvères, those poet-fathers of England, were reposing in oblivion undisturbed even by the most curious antiquary, in the presses of the Harleian, the Cotton, and the Bodleian libraries.

It is to the lays and 'romans' of these last that the reader must turn for the source of nearly all our popular ballads which involve supernatural machinery. Without going further than the volume before us, the story of 'Syr Cauline' meeting the Eldritch knight, and vanquishing him, is a close transcription of the chief incident in the 'Lai de l'Epine,' published by M. Roquefort in his 'Poesies de Marie de France,' and assigned by him, together with the lay of 'Gruclan,' to her. The story of the marriage of Sir Gawayne, too, has not only been told by Gower in his tale of 'Florent,' and by Chaucer in his wife of Bath's tale, who expressly assigns its origin to 'these old gentil 'Bretons,' but it will be found in the fabliaux lately published in France. 'The Boy and the Mantel,' which we should consider one of the most ancient of these reliques, in like manner is derived from an Anglo-Norman source, and by the trouvère himself, unquestionably either from Armorica or Wales, those two great birthplaces (if indeed they had not a common one) of romantic literature. The ballad of 'the Boy and the Mantle' is worthy of notice, inasmuch as it affords a specimen of the different way in which the rude versifier told his story, to that in which the more polished trouvère said or sung his.

'On the third day of May,' a young page bearing a mantle enclosed in two nutshells, came to King Arthur, then keeping high court at Carlisle, and prayed that he might present it to that lady who had never done amiss either in deed or word. Queen GuenEVER attempts to wear it, but it shrivels up, and she flies to her chamber overwhelmed with shame. Another and another tries this magic dress, but with the same result; at length Sir Cradock calls his lady—

' And bade her come in,
Saith, Winne this mantle, ladye,
With little dinne ;
Winne this mantle, ladye,
And it shall be thine,
If thou never didst amisse
Since thou wast mine.'

Thus sings the rude versifier; but the same tale had already been told in the fabliau of 'Court-mantel,' to the high and

noble, and in this Sir Caradoc addresses his lady in a manner more befitting the courteous character of the knight of the middle ages. We give the late Mr. Way's translation, for we could not supply a better.

‘ ‘ Dear lady mine,’ he thus was heard to say,
‘ If aught misgives thee, shun that baleful robe !
To see thy shame, to feel my love decay,
I would not bide for all this earthly globe.
Far better were it aye in doubt remain,
Than read the truth by such disastrous test,
Than see thee now thy sex’s honor stain.’

But the lady boldly challenges the test, and in the lay, as in the ballad, with triumphant success, the page exclaiming,

‘ Now, lady fair ! thy lover joy betide,
Thine be the pall who winn’st the victory ;’

while in the English version, the ‘little boy’ applies the coarsest epithets in our language to the disappointed queen, in the very presence of her husband.

In the same ballad the little boy has a horn of ‘red gold,’ endowed with similar marvellous qualities ; and this horn Sir Craddock bears away. This part of the story had, however, already been told by Robert Bikez, an English trouvère, and his description of the magic horn will show the superiority of the ‘lai’ to the mere ballad. The original, which may be seen in Warton, is quite as flowing as the translation.

‘ Many a jewel there was set,
Mid the gold wrought work yfette ;
Beryl, sardius fair to see,
And the choice chalcedony—
O ! such a horn you ne’er might see !
By a ring of silver rare
Was it fastened ; and around
Five score bells gave pleasant sound.
Bells of gold, right pure and fine—
For in the days of Constantine
A learned fairie, bold and wise,
Did this magic horn devise—
And whoe’er with finger free,
Touched that horn,—deliciously
Then these hundred bells would sound.
O ! harp or viol ne’er was found
So sweet, nor voice of girls, nor she,
The famous siren of the sea,
Ne’er warbled half so witchingly.’

We pass over the other ballads of a similar kind, nearly all of which may be traced to earlier, and far more poetic sources, as we may probably in some future review, illustrate the tales of King Arthur, from the poems of those trouvères, whose very existence was unsuspected until the late Abbé de la Rue called the attention of the antiquarian world to them.

While, as we have remarked, England cannot boast a very large collection of ancient ballads, in one department she is very rich—that which may emphatically be called the popular ballad, because it celebrates the deeds of those heroes of the peasantry—those ‘village Hampdens,’ or those bold outlaws who, in our early times, when might was often opposed to right, did battle manfully for the real or imagined privileges of the commons. Robin Hood is the type of the popular hero, just as King Arthur is the type of the heroes of chivalry; and it is curious to observe how the peculiar virtues of the chivalrous era are presented, though in fainter colors, and in a ruder guise, in the characteristics assigned to the gallant outlaw of Sherwood. The same determination to redress all grievances, the same ‘love for poor men,’ to which the knight pledged himself at the foot of the altar; the same respect for woman, and the same heartfelt, though superstitious spirit of devotion, are exemplified in the genuine old Robin Hood ballads, as in the Anglo-Norman or old English romances of chivalry. And then there are from time to time, assertions of the dignity of the commons, shrewd hints that the peasant’s strong arm may ‘do the state some service,’ or perhaps disservice; and that hearty assertion of the superiority of the English yeoman to the natives of every other country, which prove these rude ballads could only have sprung up among a people who viewed freedom as their birthright, and who, from the days of Cressy to Waterloo, have maintained unimpaired their national character of valor. In the conduct of this class of ballads, too, we perceive, by the easy and natural sequence of the incidents, that the writer (probably composer, would be the more correct term, since we greatly doubt whether any of this class were originally written), was well acquainted with the scenes he describes, and probably with the personages; and thus we obtain a glimpse of society among that class which seldom appears on the page of history.

An admirable picture of life among the lower classes we thus obtain from the excellent old ballad of William of Cloudesley. In an evil hour he has fled to the wood with his two faithful companions, but he has left his wife and children in ‘merry Carlisle,’ and he longs to revisit them.

‘Merrie it is in the grene forést,
Among the leves grene,’

but William steals away, and knocks at ‘his own windowe,’

and when 'fayre Alyce' lets him in, she informs him that search has been made for him 'for half a yere and more,' for he and his brethren had been 'outlawed for venysoun,' that bitter grievance of the yeomanry in the middle ages. Cloudesley, however, sits down merrily; but 'an old wyfe,' whom they had supported 'of charyte, for more than seven years,'—a characteristic trait of a period when there was no compulsory provision for the poor, but abundant private benevolence—steals out, and acquaints the sheriff. The gift bestowed on her, 'a ryghte gode 'goune,' is also characteristic of the period, when rewards were almost always given in the form of apparel, but that it was scarlet is certainly a modern interpolation, since that was always the color appropriated to nobility alone. The townsmen of 'merrie Carlisle' now assemble, with a 'fulle grete route,' and endeavor to enter William's house, while Alice gallantly seizes a poleaxe to defend the door, and he bends 'a righte gode 'bowe,' but in vain.

'Set fyre on the house, saide the sherife,
Syth it wyll no better be,
And brenne we therin William, he saide,
Hys wife and chyldren thre.

'They fired the house in many a place,
The fyre flew up on hye;
Alas! then cryed fayre Alice,
I se we here shall dye.

'William openyd a backe window,
That was in hys chamber hie,
And there with sheetes he did let downe
His wife and children three.

'Have you here my treasure, sayde William,
My wyfe and my chyldren thre:
For Christes love do them no harme,
But wreke you all on me.'—Percy's Reliques, p. 41.

He now rushes out, and it is only by throwing 'dores and 'wyndowes' upon him that he is at length taken. This mode of overcoming a prisoner has been considered ridiculous; but, so far from it being so, it is to us a strong proof of the genuineness of the ballad. Doors and window-shutters, for these are evidently meant, were during the middle ages fastened not by hinges, but by hooks and staples; they could, therefore, be swiftly removed, and were certainly from their weight well adapted to this purpose. 'A payre of newe gallows' is now all that remains for the bold outlaw; but the little town swineherd,

to whom William had often given a meal, gives notice to the two brother outlaws, and they forthwith determine to rescue him. The mode which they adopt is also quite characteristic of the days of our Plantagenets. The sheriff having ordered the gates to be fast closed until the execution is over, they pretend to be king's messengers, bearing letters patent. It was incumbent on the warders of a town to open immediately to the bearers of such, and thus the broad hanging seal appears sufficient proof to the porter that the messengers are the bearers of a royal mandate. He opens the gate, they rush in, knock him down, and seize the keys. Meanwhile William of Cloudesley

‘Lay ready there in a cart,
Fast bound both fote and hand;
And a stronge rope about hys necke,
All ready for to hange.

‘The justice called to hym a ladde,
Cloudeslees clothes hee shold have,
To take the measure of that yeman,
Therafter to make hys grave.

‘I have sene as great mervaille, said Cloudesle,
As betweyne thys and pryme,
He that maketh a grave for mee,
Hymselfe may lye therin.’—*Ib.* p. 43.

This philosophical remark is quite in keeping with the changeful fortunes of the outlaw, and his many escapes; the reader will remark, too, how generally the ecclesiastical divisions of time were adopted, when even the rude ballad-maker uses the word ‘prime,’ the name of the earliest daily service of the church, to express early on the following morning.

‘Thou speakest proudly, saith the justice; I will thee hang ‘wyth my hande;’ but the justice, and the sheriff too, fall by the well aimed shafts of his brethren, and William, loosed from his bonds, fights manfully, and at length escapes to the greenwood.

In the next part of this genuine minstrel ballad, the three outlaws, seized with a sudden fit of compunction, determine to go to London, to ask pardon of the king. Their bold entrance into the palace, and the simplicity with which they state their offences, is very characteristic.

‘And whan they came to the kynges courte,
Unto the pallace gate,
Of no man wold they aske no leave,
But boldly went in therat.

‘They preceed prestly into the hall,
Of no man had they dreade;

The porter came after, and dyd them call,
And with them began to chyde.

‘The usher sayd, Yemen, what wold ye have?
I pray you tell to me:
You myght thus make offycers shent
Good syrs, of whence be ye?’

Syr, we be out-lawes of the forest
Certayne withouten lease;
And hether we be come to the kyng,
To get us a charter of peace.

‘And when they came before the kyng,
As it was the lawe of the lande,
They kneled downe without lettyng,
And eche held up his hand.

‘They sayd, Lord, we beseche the here,
That ye wyll graunt us grace;
For we have slayne your fat falow dere
In many a sondry place.’—*Ib.* p. 44.

The king, on learning their names, not only refuses their prayer, but threatens to hang them. In the true feudal spirit they now urge, that as they came ‘freely’ to the king’s presence, he is bound to permit them ‘freely’ to depart. That this right was generally recognized in the middle ages, we have curious proofs both in the romances and in history; but these outlaws have, it appears, made themselves so obnoxious to the king that he refuses their plea, and they are only saved by the interposition of the queen.

‘That were great pitye, then sayd the quene,
If any grace myght be.

‘My lorde, whan I came fyrst into this lande
To be your wedded wyfe,
The fyrst boone that I wold aske,
Ye would graunt it me belyfe;

‘And I asked you never none tyll now;
Therefore, good lorde, graunt it me.
Now aske it, madam, sayd the kynge,
And graunted it shal be.

‘Then, good my lord, I you beseche,
These yemen graunt ye me.
Madame, ye myght have asked a boone,
That shuld have been worth them all thre.

‘ Ye myght have asked towres, and townes,
 Parkes and forestes plenté.
 None soe pleasant to my pay, she sayd ;
 Nor none so lefe to me.

‘ Madame, sith it is your desyre,
 Your askyng graunted shal be ;
 But I had lever have given you
 Goed market townes thre.

‘ The quene was a glad woman,
 And sayde, Lord, gramercy ;
 I dare undertake for them,
 That true men shal they be.’—*Ib.* p. 45.

How closely do these verses resemble the pleadings of Philippa for the burghers of Calais, and the answer of Edward. ‘ Ah, gentle sir, since I have crossed the seas with great danger to see you, I have never asked you one favor, and now I earnestly ask as a gift, for the sake of the Son of the blessed Mary, and for your love to me, that you will be merciful to these six men.’ The king looked at her for some time in silence, and then said, ‘ Ah, lady, I would you had been anywhere else than here ; you have so entreated, that I cannot refuse—I give them to you to do what you please with them.’ We might almost believe that the author of this ballad had heard the tale of Philippa’s successful mediation, not indeed from Froissart, for his delightful chronicles were composed in courtly French, but from some of those men-at-arms, or gallant archer bands, who had witnessed the scene. The pardon is scarcely granted when letters from Carlisle arrive, detailing the last misdeeds of the outlaws. The king is sorely vexed, but, in the true spirit of chivalry, he does not attempt to violate the promise so incautiously given. He expresses a wish to see them shoot, and the incident in *Ivanhoe* of Lockesley shooting at the willow wand is closely copied from this old ballad. Cloudesley emboldened by the king’s astonishment, now offers to place an apple on his son’s head, and at the distance of six score paces, to cleave it in two. The king commands him to do it ; and the apocryphal feat related of William Tell is performed by the bold English outlaw, William of Cloudesley.

‘ He prayed the people, that wer there,
 That they ‘ all still wold ’ stand,
 For he that shoteth for such a wager
 Behoveth a stedfast hand.

‘ Muche people prayed for Cloudesle,
 That his lyfe saved myght be,

And whan he made hym redy to shote,
There was many weeping ee.

‘ ‘But’ Cloudesle cleft the apple in two,
‘ His sonne he did not see.’
Over Gods forbode, sayde the kinge,
‘ That thou shold shote at me.’—*Ib.* p. 46.

The ballad concludes with the king appointing him bow-bearer and chief ranger of the northern forests, and with the characteristic prayer that—

‘ All that with the hand bowe shooteth,
Of heaven may never misse.’

We have gone over this admirable old ballad rather at length, because it illustrates the remarks we have just made upon this species of composition. As pictures of the manners of the higher classes, or as corroborations of history, ballads are utterly worthless. But as pictures of life among the peasantry or dwellers in the upland towns, above all, as illustrations of the feeling, especially the political feeling, of our forefathers at a very early period, they are most valuable. None but a yeomanry devotedly attached to their free institutions could have cherished from generation to generation such ballads as this, and those so similar in character, which tell of the prowess and free spirit of Robin Hood, ‘ who cared neither for king or baron.’ And yet, we have been told, and with a large class it is still an article of orthodox belief, that our forefathers, until the parliamentary struggle, were in possession of scarcely a political right; that the great charter was merely intended to secure the rights of a privileged few, and that the mass of the people during the illustrious sway of our Plantagenets, were mere bondsmen. The second work on our table, ‘The Political Songs of ‘England,’ might of itself alone show the groundlessness of these opinions; for in it,—in the very rudest English, just at the period of its latest transition from the Saxon,—we find exulting songs on the defeat of the king’s friends, bitter satire and fierce invectives against the royal favorites, and bold assertions of popular rights, such as we doubt have been scarcely surpassed in modern periods of our history. And what will yet more excite surprise to those who have only become acquainted with history through the ordinary medium is, that the clergy ‘ led the way as bold reformers, and the refectory of the monastery, no less than the baronial hall, rang frequently with the ‘ outbursts of popular feeling.’

The oldest political song hitherto discovered, is that composed on the defeat of Richard of Almaine (as he was called in consequence of his having been crowned Emperor of Ger-

many), and the barons of the king's party, at the battle of Lewes. It is in Percy's *Reliques*, but we give three verses from the more correct copy in the 'Political Songs.'

'Sitteth alle stille ant herkneth to me :
The Kyn of Alemaigne, bi mi leauté,
Thritti thousent pound askede he
For te make the pees in the countré,
ant so he dude more.

Richard, thah thou be ever trichard (deceitful),
trichen shalt thou never more.

'The Kyng of Alemaigne wende do ful wel,
He saisede the mulne for a castel,
With hare sharpe swerdes he grounde the stel,
He wende that the sayles were mangonel
to helpe Wyndesore.

Richard, etc.

'Be the luef, be the loht, sire Edward,
Thou shalt ride sporeles o thy lyard
Al the ryhte way to Doevere ward ;
Shalt thou never more breke fore-ward,
ant that reweth sore :

Edward, thou duest ase a sheward,
forsoke thyn emes lore (uncle's teaching).

Richard, etc.—*Political Songs*, pp. 69, 71.

Edward, afterwards king, it will be remembered, had sworn to maintain the Oxford provisions, but he subsequently withdrew; this was the 'forsaking his uncle's teaching,' alluded to above, for De Montfort, as well as Richard, was his uncle, by marriage with Elinor the sister of King Henry. The phrase 'thou shalt ride spurless,' we think refers not merely to his hasty flight, but to his perfidy. He had broken his oath, and therefore was no longer worthy to wear the distinctive badge of the knight, the gilt spur. But while the populace thus exulted that Richard 'trichen should never more,' the learned clerk indited a long and elaborate Latin poem to celebrate this triumph of popular rights. This poem is very curious, and well worthy of attentive perusal by the inquirer who is desirous of ascertaining the state of public feeling at this period. On reading many passages of it we might well, as Mr. Wright observes, 'suppose ourselves transported to the days of Wickliffe 'or Cromwell.' The number of the king's party, says the writer, far exceeded that of the barons; 'this was done by 'heaven, lest any one should boast of it; let all the honor be 'given to Christ, in whom we believe! For Christ at once 'commands, conquers, and reigns. We pray God that the

‘minds of the conquerors may not attribute their success to themselves, and what Paul says, be observed by them. ‘He ‘that would be joyful, let him be joyful in God.’ May the power of the Almighty perfect what it has begun, and restore to its vigor the kingdom of the English people, that glory may be to himself, and peace to his elect, until they be in that land whither He shall lead them.’ Surely men who in first exultation of victory could write thus, could not have been the band of turbulent nobles and lawless commons which our historians have so frequently represented them to be.

But the victory of Lewes was soon followed by the defeat at Evesham, and on the 4th of August, 1265, Simon de Montfort and his chief adherents laid down their lives for the ‘good cause’ of those days. We have no English ballad on this subject remaining, although doubtless there were many; but one in Anglo-Norman, in this volume, has every appearance of having been written on the first news of this disastrous contest, and the writer assures his hearers that it was ‘all in tears’ that he made this song concerning ‘our gentle barons,’ for—

‘Now is slain that precious flower who fought so valiantly,
Earl Montfort, whose hard death the land will long weep bitterly.’

That by his death their great leader won the crown of martyrdom, and with his company had ‘gone up in joy to everlasting life,’ consoles the writer; and we learn from contemporary evidence, that not only was De Montfort celebrated as a martyr, but actually addressed as a saint. In a manuscript in the Cotton Library is an account of miracles believed to have been wrought by him; and while the wandering minstrel sang a lament for his death, the clergy who, adopted the popular feeling, hailed his triumphant entrance into heaven, and addressed him,

‘Salve, Symon Montis fortis,
Totius flos militiæ,
Duras poenas, passus mortis
Protector gentis Angliæ.’

And the spirit of this ‘protector gentis Angliæ,’ certainly survived his death; and in the pardons which the king was forced to grant, and the privileges which he was compelled to continue,—more especially the representation of the commons,—prove that the principles of the Oxford provisions were triumphant, and that the barons conquered, although defeated and slain.

The rule of Edward was stern; still he was a wise, and, what

was of almost equal importance to a warlike age, he was a most valiant king. His wisdom prevented him from making violent inroads on the popular liberties, although that he was quite willing to do so, his contest with the earls of Norfolk and Hereford sufficiently proves, and his numerous victories over the Scots seem to have rendered him almost popular. The political songs of his reign are rather numerous; but it is remarkable that while the pride and oppression of the nobles, of the servants of the king's household, and of the dignified clergy, are bitterly noticed, scarcely a word derogatory to the king is to be found. The most violent of them is a song, written we should think by a churchman, as it is in French and Latin, on the king's expedition to Flanders, on which occasion a fifteenth was demanded from every householder, and there was a general seizure of wool to defray the expenses. 'It is not pleasant,' says the writer, 'thus to pay the fifteenth to the last penny.' 'It is not sound law that gives my wool to the king,' and what is worse, after all, 'some say neither the king or the queen have it, but only the collectors—they ought to tax the great, and spare the people.' The leading grievances of so many generations, purveyors and their tallies, is prominently brought forward. 'If the king would take my advice,' he says, 'he would take his vessels of silver and make money of them; it would be better to eat out of wood, and pay with silver, than serve the body with silver and pay with wood.'

'Mien valdreit de fust manger, pro victu nummos dare,
Que d'argent le cors servir, et lignum pacare.'

In the following song in English, on the insurrection of the Flemish burghers, we perceive how popular feeling went along with them; and in that on the times, the troubles endured by the poor from vexatious litigation, and the advantages obtained by the rich, through the same means, are naïvely set forth by the fable of the fox, the wolf, and the ass. Still, oppressed by taxes as the lower orders felt themselves, we yet find that the death of Edward was viewed by them as a national calamity: it is true that the character of his successor was such as to excite well grounded fears. There are two laments on King Edward's death, the English one manifestly a translation of the Anglo-Norman. We will give a verse both of the original and of the translation, as curious specimens of the two vernacular languages. Edward had vowed to revisit the Holy Land, hence the allusion in the text.

'Jerusalem, tu as perdu
La flour de ta chivalerie,

Rey Edward le viel chanu,
Qe tant ama ta seignurie.
Ore est-il mort ; jeo ne sai mie
Toun baner qi le meintindra :
Sun duz quor par grant druerie
Outre la mere vous mandera.'—Ib. p. 242.

' Jerusalem, thou hast i-lore
The flour of al chivalerie ;
Now Kyng Edward liveth na more :
Alas ! that he yet shulde deye !
He wolde ha rered up fol heye
Oure baners, that bueth broht to grounde ;
Wel longe we mowe clepe and crie
Er we a such kyng han y-founde !'—Ib. p. 249.

The lament concludes with a prayer that Edward of Caernarvon may be equal to his father in wisdom and power, that he may do right to poor men, and govern the realm well. An unanswered prayer, as England soon found.

One of the first songs composed during this disastrous reign is on the king's breaking his confirmation of Magna Charta. It presents a curious mixture of Anglo-Norman and English.

' Nostre prince de Engleterre,
Par le consail de sa gent,
At Westminster after the feire
Made a gret parlement,
La chartre fet de cyre,
Jeo l'enteink et bien le crey,
It was holde to neih the fire,
And is molten al away.'—Ib. p. 253.

That the charter was made of wax, is not to be understood by any allusion to the seal, but to the custom then, and still later in practice, of covering a board with a thin coating of wax, and then writing on it with an iron pen. This was generally done in the monastic schools in teaching boys to write ; the meaning of this passage, therefore, seems rather to be, that the king, like a school boy, was set to copy out the charter, but determined not to maintain its provisions ; no sooner had he finished it than he held it to the fire, and thus the letters were obliterated. The mixture of French and English here, seems not to have been uncommon at this time. There is another song which gives successive half lines of French, Latin, and English ; and there are others, in the third work on our table, '*Reliquiæ Antiquæ*,' in which Latin and English are intermixed with really a graceful effect. The following two stanzas from an address

For one is two, that lond is streintheles ;
For well is wo, the lond is reutheles ;
For frend is fo, the lond is loveles.'

—*Political Songs*, p. 254, 255.

The phrase 'whoso roweth against the flood,' seems to refer to the pertinacious perversity of the king, in adhering to Gaveston in despite of his wisest counsellors; and the line 'for one is two, the land is strengthless,' seems also to refer to the same cause, for we find, in a contemporaneous chronicle, it was remarked that there were *two* kings instead of one; while 'for friend is foe, the land is loveless,' may be an allusion to the quarrel of Earl Thomas of Lancaster, who from friend had become the king's foe, on account of the protection which he persisted in affording to his worthless favorite.

The conclusion of this curious poem breathes a spirit of conciliation which is very pleasing, and we think that political writers even in the present day might take a lesson from this homely versifier.

' Riche and pore, bond and fre,
That love is good, ye may se ;
Love clepeth ech man brother ;
For it that he to blame be,
Forgif hit him *par charite* ;
Al theih he do other.

' Love we God, and he us alle,
That was born in an oxe stalle,
And for us don on rode (cross).
His swete herte-blod he let
For us, and us faire het (bade)
That we sholde be gode.

' Be we nu gode and stedefast,
So that we muwen at the last
Haven heven blisse.
To God Almihti I preie (pray)
Let us never in sinne deie (die),
That joye for to misse.'—*Ib.* pp. 256, 257.

That Gaveston had rendered himself for years before his death most obnoxious to the people we have the concurrent testimony of contemporary historians, but we scarcely expected to find so fierce a spirit manifested against him, and by the clergy too, as both the Latin poems on his execution breathe. They are parodies on two of the finest hymns of the Latin church,—the 'Vexilla Regis prodeunt' and the 'Pange Lingua,' and they celebrate, in the most exulting strains, the death of him

‘who had reigned far too long’—‘who had so long vexed England.’ This is the more remarkable, since we are not aware of Gaveston’s having evinced any hostility to the church or to her ministers. The joy felt by the clergy at his death can, therefore, only be attributed to their hatred of foreigners, and their advocacy of free principles.

There were doubtless, numerous English songs written on the same occasion, and breathing the same spirit; but none of these have been discovered; and for exemplifications of the popular feeling not only on the death of Gaveston, but on the cruel execution of Earl Thomas of Lancaster, we must turn to the compositions of churchmen. The death of this great friend of the commons was viewed as a martyrdom; the mound on which he was beheaded became the place of pilgrimage to multitudes, and St. Paul’s, the metropolitan cathedral, as we learn from a precept in the *Fœdera*, was thronged by thousands who asserted that ‘a certain picture’ of him wrought miracles. Again was the honor of canonization performed, not by the Pope in conclave, but by the superstitious gratitude of a marvelling and warm-hearted age; and again was the fine Good-Friday hymn adapted to the celebration of St. Thomas of Lancaster.

‘Pange lingua gloriosi, comitis martyrium,
Sanguinisque pretiosi Thomæ floris militum
Germinisque generosi laudis, lucis comitum.’

With this celebration of the martyr of freedom the present volume of the ‘Political Songs of England’ ends; we are promised a second, which will include our political songs to the close of the reign of Richard the Third, and we look forward to its publication with much interest.

The third work on our table, ‘*Reliquiæ Antiquæ*,’ has not hitherto afforded much illustration of the political condition of our forefathers; but on their social and religious condition it has thrown some additional light. The first point that struck us was the numerous translations, eight or nine at least, of the Lord’s Prayer, the commandments, the creed, and other parts of the regular service, which, while they are most valuable for tracing the gradual progress of the English language, are more valuable still as proofs that the people from the eleventh to the fifteenth century were by no means so utterly destitute of common religious knowledge as the writers at the period of the Reformation would lead us to suppose. These translations, indeed, afford strong corroborations of our opinion, that the service in the parish churches, but especially in the *friars’* churches, was performed in English; and from the circumstance

of many of the Latin hymns being also translated into English verse, of which there are specimens by a Franciscan, we have little doubt that the whole congregation joined in singing them. One of the most curious poems in these numbers is the 'Proverbs of Hendyng,' a collection of moral precepts in verse, each ending with a popular proverb. Many of these are still in use. 'Good beginning makes good ending;' 'A fool's bolt is soon shot,' 'The burnt child dreads the fire,' and many of them exhibit a favorable specimen of the popular instruction afforded during the thirteenth and fourteenth centuries. We will give two verses in modernized spelling, as the original is almost unreadable.

'If thou havest bread and ale,
Ne put them not all in thy male (chest),
But deal some part about.
Be thou free of thy meals,
And whosoe'er his meat he deals,
Thou shalt not go without.
'Better is apple given than eaten.'
Quoth Hendyng. * * *

'If thou art rich, and well ytold,
Nor be thou not of it too bold,
Ne wax thee not too wild (joyous)—
O bear thee fairly in all thing
And thou shalt have blessing,
And be thou meek and mild.
'When the cup is fullest, then bear it steadiest,'
Quoth Hendyng.'

We have exceeded the limits we proposed, or we should have proceeded to give some curious illustrations of the general opinions, the superstitions, and the modes of instruction in use among our forefathers. We may, however, probably again return to this subject in our review of the subsequent numbers of this third and very interesting collection. Sufficient has, however, we trust, been said to show the importance of works like these, especially as enabling us to form a correct estimate of the actual condition of the people during the middle ages. A far different aspect do the contests under Simon de Montfort in the thirteenth century, and those under Earl Thomas of Lancaster in the following, assume when contemplated in the light of contemporary documents, and illustrated by the popular songs, and hymns actually sung by those engaged in the struggle, to that in the pages of the *soi disant* philosophical historian, who having first formed his theory, seeks to bend historical evidence to it. The liberties of England, and her high national

character, have been of no hasty growth; and while far be it from us to found our right to a free government upon the mere circumstance of antiquity, still, to use the words of Mr. Hallam, 'it is a generous pride that intertwines the consciousness of hereditary freedom with the memory of our ancestors; and no trifling argument against those who seem indifferent in its cause, that the character of the bravest and most virtuous among nations, has not depended upon the accidents of race or climate, but been gradually wrought by the plastic influence of civil rights, transmitted as a prescriptive inheritance through a long course of generations.'

Art. IV. *Hulsean Lectures for the Year 1839. Man's Responsibility in Reference to his Religious Belief, Explained and Applied.* By the Rev. THEYRE T. SMITH, M. A., of Queen's College, Cambridge, and an Assistant Preacher at the Temple Church. Fellowes. London. 1840.

WE called the attention of our readers on a previous occasion to a volume of sermons by the Rev. Theyre Smith, and were happy to have it in our power to recognize in the church the existence of talents of so high an order, and employed with so fine a discrimination. Since our notice of those sermons, it seems that the same gentleman has been appointed Hulsean lecturer at the university of Cambridge, and the present volume is the fruit of that appointment. We remark in these lectures the same qualities of mind that previously drew our attention to this writer; the same caution and metaphysical acumen when his argument is to be prepared and adjusted; the same vigor of language when the conclusion is to be enforced, and the blow is to be struck. The style is indeed rather more diffuse than in the preceding volume, and the page is less liberally adorned with those passages of bold oratory, and those manly and spirited metaphors, which occasionally startle us in the compositions of this author. But his present subject is little favorable to these displays; and eight lectures upon one topic, and written for an express occasion, can hardly be expected to exhibit the same compression of matter, the same terseness of style, and, above all, the same wealth of hoarded eloquence, as a volume which was probably the compilation of the best efforts of many previous years.

In the selection of his topic, however, we think Mr. Theyre Smith has been fortunate. It is one on which much loose reasoning is often heard in conversation, and even read in books;

it is one of a momentous nature, needing elucidation, and most intimately connected with the great inquiry into the evidences of Christianity,—the prominent subject, we believe, which is prescribed to the Hulsean lecturer. Man's responsibility for his religious belief is often rashly questioned, often heedlessly forgotten, and sometimes insisted on without due discrimination. The temper also which should be brought to the examination of our religion, is not always described with sufficient accuracy by the zealous minister of the gospel. To adopt the language of a well-known saying of Coleridge, we wish no man to love his Bible more than he loves truth; but we would have him love truth more than himself, love it first of all, and that perpetually. We require from the student of the Scriptures a thirst for divine knowledge, equivalent to that desire for scientific knowledge, without which the pupil of the mathematician or the naturalist would be looked on as a hopeless and unworthy candidate for instruction; and we add, that while profane science may often be neglected without blame, there hangs upon every man whose mind has been once awakened to a notice of the subject, a grave responsibility to prosecute his religious inquiry. Here there can be no blameless indifference; no contentment in a state of ignorance can be here permitted; no half-suspected error on this subject can be suffered to lie undisturbed upon the mind; nor is it more a matter of choice whether knowledge is to be *obtained*, than whether, when obtained, it is to guide and control our conduct. Should the mind have tampered with itself in this inquiry, guilt of the deepest dye has been contracted.

To bring out this momentous truth with distinctness, to fence it against hostile attacks, and vague denials, to contend for it with the metaphysician, and to enforce it upon the negligent, is the task which the author of these lectures has assumed, and which, for all practical purposes, he has successfully accomplished. We say for all practical purposes, because, with all our respect for the ability he has displayed, we cannot compliment the lecturer upon having placed the subject, regarding it as one merely of speculative philosophy, in a point of view altogether satisfactory. He has shown with great distinctness that our responsibility to God for matters of opinion, is to be placed on the very same footing with our responsibility for matters of conduct; and thus far he has done eminent service to his cause, and silenced that multitude of superficial observations we are accustomed to hear upon this subject; but he has not, to our mind, displayed equal discrimination when he has to deal with the feeling of responsibility itself, whether applicable to opinion or to conduct. *He has not stopped where he might.* He has called up difficulties which he has not solved.

He has placed our responsibility, both in thought and action, on the same basis; and this, for the Christian reasoner, is of great practical service; but, following out his own speculative course, he has not shown a secure basis for our responsibility in either.

Mr. Smith is one of those divines who cling with great tenacity to what is termed natural religion. With him, it would appear that revelation is more generally viewed as the completion and confirmation of that knowledge the reason is able of itself to acquire, than as containing an entire scheme of its own, and supported by its own peculiar evidences. For ourselves we are glad to be relieved from the necessity and the toil of building up, with painful care, a very imperfect structure, on a very dark foundation. Should others, upon this ground of human reason, be more skilful architects, be able to build more amply, and with more stability, than ourselves, we have, of course, nothing but our congratulations to offer. But, on the other hand, we have no scruple or timidity in holding up to broad day-light any deficiencies we may detect in their several superstructures. We deem it, indeed, our duty to do this, in order to show, that the weakness which these may betray is not the weakness of Christianity; for it not unfrequently happens that a sceptical reasoner imagines that he has impugned the truth of our religion, when he has only been wrestling with the conclusions of some philosopher as speculative as himself. If, therefore, we discover discrepancies in Mr. Smith's statement, when dealing with the abstract idea of human responsibility, or in the speculations of any other divine, when delighting to ride on the high *a priori* road, we shall have no hesitation to expose them, so far as it lies within our ability to do so.

But before we hint at difficulties or objections, let us quote a passage in which the broad grounds whereon a responsibility in matters of religious opinion rests, are very clearly stated.

‘That a man may be morally guilty, and obnoxious to punishment from God, on account of his opinions, is a proposition which admits of as rational an explanation, or rather, is grounded on the same presumption, as the prevailing conclusion, that he is subject to the judgment of God on account of his actions: there is precisely the same reason for asserting that he is amenable to a higher tribunal than that of his fellow-creatures, for the one as for the other. Our deeds are pronounced to be evil, inasmuch as they are presumed to be committed through an excess or perversion of the passions, or the predominance of a corrupt inclination over the sense of duty whether to God or man. In like manner certain opinions are held to be morally evil, and grounds of divine displeasure, inasmuch as they are presumed to be embraced through the defect of a right disposition, the bias of some vicious propensity, or under the habitual influence of ill-ordered

passions. In either instance the imputation of guilt is directed against the prevailing desire, the ruling affection, of the mind. Unless, then, it can be shown that the affections in general are inert in the process of belief, or the formation of opinions—inert so far as they can be characterized as morally good or evil—it must follow, that we may be as reasonably obnoxious to blame and punishment in the determinations of our judgment, as in the disposal of our conduct. It is not, we are aware, the opinion itself which is sinful, for the same conclusion may, in many instances, be embraced under the influence of widely different feelings and dispositions—may be arrived at in an upright conduct of the understanding, or reached by a perverted use of our reason, or the strength of unsubordinated passions. But neither is it the outward physical act which is morally evil. The destruction of the life of a fellow creature does not constitute the guilt of murder; for this may be done by the hand of the executioner, or the fury of a maniac, as well as by the stroke of the assassin. Indeed the actions of an individual, in a moral acceptance, are properly significant of those desires which are conceived to prompt him in performing them. In like manner his opinions, morally estimated, denote those inclinations which are supposed to operate on the understanding in the course of his adopting them—those predispositions which affect the mind in its capacity for knowledge, or susceptibility of conviction; in its search and use of that evidence by which facts are ascertained, and conclusions are established.—p. 7.

‘But it may be asked, by what rule but his own opinions can a man shape his conduct as a rational being, or a moral agent? Clearly, by no other. But this, so far from disproving or extenuating our accountability in the *formation* of opinions, in the highest degree confirms and enhances it, and lays open the magnitude of the subject before us,—the imperious necessity of including it in our view of human probation, if we would promote, in ourselves and others, the power of well-doing, and stay the progress of evil. For suppose an individual to have succumbed to the strength of his passions, in the perversion of his judgment, he is so far disabled for the fulfilment of his duty: he is in a condition which may not unfitly be compared to that of a person who has deprived himself of the proper use of his reason by intoxication. Now it may be readily admitted that a man is not equally answerable for his doings when inebriated as when sober, when his intellect is suspended or impaired, as when he is capable of a moral estimation of his conduct; but at the same time it is perfectly manifest that he has contracted no little guilt by so immoderate an indulgence of his appetite, as to have placed himself in a state of defenceless exposure to the onset of his passions; of increased liability or aggravated proneness, to break the laws of God and man. So it may be granted that the erroneous opinions of an individual infer a diminution of the guilt of his offences, if committed at their dictation, or under their sanction; but, at the same time we may detect a most depraved operation of the passions in his embracing and adhering to those opinions.’—p. 12.

Nothing could be better argued or more clearly stated than this. The lecturer next proceeds to defend the scriptural language in its *injunction to believe*. A religion, it must be remembered, *can have* no benign or saving efficacy but by being received into the mind,—by being, in short, believed. If it is admitted that an individual *may* examine its evidences with candour, and yet refuse assent to its divine origin, and if it is granted that the case of such an individual is one out of the scope and reach of the religion, and that his future destiny must depend, as we are accustomed to express it, on the uncontracted mercies of God,—it is plain that liberality of judgment has been carried to its utmost extent. It were absurd, and an unintelligible proposition, to say that such an individual can partake of the blessings of a faith he rejects. The connexion of belief, therefore, with the promised benefits of Christianity, is one founded in the very nature of things; and the lecturer thus justifies the style of *injunction and command*, in which the Scriptures make this requisition of belief.

‘It is often affirmed, and we allow with some degree of plausibility, that a commandment to believe the gospel—to believe a religion to be true, is incongruous and irrational: that the weight and influence of authority, the fear of punishment, and the hope of reward, must operate as a constraint upon the judgment, and be incompatible with the pursuit of truth and the process of conviction: that an intelligent belief is essentially spontaneous, the result of free inquiry and independent reflection. The assertion, however, is well founded only on this supposition—that by freedom of inquiry, or independence of thought, is meant an exemption from all moral obligation in dealing with the criteria of truth, or the grounds of a rational conviction. Otherwise the commandment in the Bible *to believe* may be as little open to an imputation of irrationality as any one of its practical precepts. The Scripture, for example, enjoins the communication of our substance to the needy: but in what manner do we understand the injunction? Do we infer its meaning to be that God approves the external act of almsgiving? Certainly not, if we receive its own explanation of the precept; for it expressly declares that though a man ‘bestow all his goods to feed the poor,’ yet if he have not charity it profiteth him nothing? Its meaning then is, that God enjoins us to cultivate that love of our fellow-creatures which cannot but dispose us to relieve the indigent; whatever spurious or defective motives may also prompt the bestowment of alms, and usurp the honor of benevolence. In a similar sense, or with a like implication, it is equally reasonable to understand the commandment of the gospel to receive as true the doctrines which it purports to unfold—equally reasonable to conclude that, in this commandment, the gospel demands an active, supreme regard to the will of God; implying, whether correctly or not, that under adequate circumstances, or with sufficient opportunities of knowledge, the

prevalency of such a disposition in the minds of men, will result in a conviction of its truth.'—p. 18.

This is, to our apprehension, a high order of thinking, and the language of Scripture is here placed in its true point of view. Responsibility for opinion we have seen, by the quotations already made, is here based on the same foundation as responsibility for actions, and the peremptory requisition of belief, which has been urged as an objection to the Scriptures, has here received its proper comment. It is not, therefore, on the main and more applicable portions of these lectures that we have any strictures to make; it is when the author enters the field of pure metaphysics, or adopts an *a priori* mode of reasoning, that we find him occasionally obscure and unsatisfactory. We will quote a passage from the preface. He is claiming; if we apprehend his meaning rightly, for this responsibility to examine Christianity, an existence apart from, and prior to, any knowledge of Christianity itself.

'Christianity does not require us to account ourselves responsible in regard to our belief in virtue of the evidence afforded us of its own divine authority. It assumes and appeals to that responsibility as the ground on which it *claims attention* to that evidence. It judges us responsible in dealing with the proofs of its divine origin, and capable of perceiving ourselves to be so, before those proofs have been examined, while they are only proposed, or pending the question whether Christianity be a divine revelation or not. If this responsibility, then, were difficult of comprehension and incapable of proof, there would be an objection to the credibility of the Christian religion, which, as appears, would be wholly insurmountable; *the offered evidences of its truth would not be entitled to examination*.'—p. xii.

Here the author wishes to establish that in the order of events we must *begin* with this feeling of responsibility to examine. Now such a feeling cannot exist until some measure of knowledge has been imparted, some show of argument been made. The necessary order in our thoughts has been overlooked. Christianity *must* and *does* 'require us to account ourselves responsible in regard to our belief, in virtue of the evidence afforded us of its own divine authority.' When it proposes to our attention the moral purity of its doctrines, what is this but appealing to one species of evidence of its truth, and of its divine original? The notion that 'the offered evidences of its truth would not be entitled to examination,' unless this feeling of responsibility already existed, and that thus an insurmountable obstacle would lie in the path of Christianity, is quite a curious instance of ingenious obscurity. Christianity, like every other doctrine, must make its first appeal to the rea-

son of man, and his natural desire of knowledge; after some information has been infused into the mind, there then arises the feeling of responsibility to know more, and to decide correctly. The ear cannot be closed, nor the heart shut, for this would require us to assume that the doctrine had been already heard and condemned; and these being left open there is free passage for religious truth, which, having once obtained entrance, makes speedy alliance with the conscience, and thus completes and secures its victory. This must be the course of events if we are speaking of rational beings and a rational conviction.

How far Mr. Smith confides in the views he has made out to himself of *natural religion*, may be shown from the following extract.

‘ But this is not the only awful responsibility. I may disbelieve the gospel, and this system of religion may be, in reality, nothing more than a wonderful formation of the purely inventive and imaginative principles of the human mind—but is the awful alternative at an end? Suppose, then, that in addressing myself to the question of its credibility, and advancing to the determination of rejecting it, I have been mainly actuated by dispositions and feelings which my conscience cannot approve, or must entirely condemn; by a desire to free myself from certain restraints upon my conduct, and apprehensions of the Supreme Being, and a life to come; or even to be the final judge of my own actions, the sole proprietor of myself;—am I exonerated and secure because the gospel is untrue? Is this the state of mind with which I am satisfied to appear before the moral Governor of the universe—to see the end of all things—to await the disclosures of futurity? ’

In this bold and well-written passage we find a futurity of rewards,—punishments,—a Judge, and a tribunal, all established and erected in the mind of the author without the aid of Scripture. And not only is the judgment-seat of God thus independently erected, but man is represented as being responsible before it for the conduct of his understanding, with respect to a religion presumed, by the terms of the proposition, to be fabulous. A reliance upon ‘natural religion’ could not be more strikingly displayed.

But though the responsibility of man, as an article of natural religion, is thus boldly pronounced, we do not find throughout these lectures any account of it, as such, of a philosophical and consistent character. We have intimations given here and there, but nothing precise; and these intimations appear to contradict themselves. For instance, Mr. Smith repeats the general observation that we are responsible for such operations only of our mind as are *voluntary*; he then maintains that we are re-

sponsible for opinions, inasmuch as our *desires* have been active in their formation; we should now expect that he would, in consistency with this statement, assert a power of the will over the desires, but we find him instead describing *will* and *desire* as things identical;* so that there is no power left in the mind to have *a control over desire*, and no reason for asserting that any one operation is in fact more *voluntary* than another.

We had intended to enter a little ourselves upon this abstract question of human responsibility, but we find that the most curtailed exposition of our views would oblige us to extend this article to an inconvenient length; and there is another topic, touched upon in Mr. Smith's lectures, of more general and immediate interest, on which we are desirous of finding room to make a few comments. In the mean time we doubt not that the majority of our readers will be, like ourselves, contented with this general statement, namely, that responsibility is a feeling of the mind, the result of a *command* from one having power over us,—from society or God,—enjoining something which it is in our ability to perform. We, as Christians, receiving *our command* from an authorized revelation, can have no doubt as to what our sense of responsibility ought to be allied with.

One of the lectures which pleased us most in this volume, is the seventh, entitled, *The Doctrine opposed to the Assumption of Infallibility*. It is written with great spirit. After having established the *duty* of each individual to examine the Scriptures, the lecturer takes advantage of his position to aim a steady and decisive blow at that claim of infallibility put forward by the church of Rome, which would relieve each individual of this duty; or, at all events, would reduce it to the one act—to the attainment of the one result—of an acquiescence in the authority of that church.

'The presumption, we repeat, is a violation of all probability, that the Scripture—which we are now regarding as divinely inspired—should, on the one hand, have instructed mankind to account themselves in a condition of trial as it regards the state of their minds, the bent of their will and affections, in investigating the import and credibility of its own language; and, on the other, should, either directly or by implication, have afforded them any ground or warrant for concluding, that they might discharge the whole debt of their accountableness—redeem it for all time to come, by one compendious final act of belief—that of assenting to the claim of a single body, the church

* "We are universally conscious that the influence of our desire, *or if it be so called, the power of our will*, is no less real, and scarcely less extensive, over the operations of the mind," &c., p. 39.

of Rome, to be received as an infallible expositor of the word of God : that by a stedfast continuance in that one article of belief, they might without any further effort of their own, moral or intellectual, assure themselves of a sufficient and abiding knowledge of the truth ; that the whole danger to our faith, in collecting and retaining the sense of the sacred writings, lay in the possibility of our being induced to withhold our confidence from one only infallible authority, or to abandon our subjection to its rule : that that danger escaped, the peril of heresy, with the uneasiness of doubt, and the task of inquiring would be at an end.'—p. 176.

But the lecturer has not confined himself to the Roman Catholic, he has urged his argument against the quarter where in this country it is most needed, and where it applies with equal validity. He thus continues :—

' Now this is an objection to the arrogation of infallibility by the church of Rome, which demands the serious examination of all who maintain or allow it ; but especially would we press it on the attention of any of our own community, who may not be entirely satisfied that it should meet with our peremptory denial, and persisting opposition ; or who, we may add, rejecting the infallibility of Rome, appear to be looking to some other *authority* than that of the Scriptures, as constituted to determine the articles of the Christian faith.'

And then, in a note at the end of the volume, he enters his protest against an ' advocacy of our church which appears to ' be growing up,' and which as it rests its claim upon the whole community, and ' aims to establish the *universal* duty of conforming to its tenets and discipline, by evidence laid open to ' learned men in the course of their researches into ecclesiastical history, and, more particularly, in their study of the writings of the fathers,' must, in reality conduct to the same blind obedience of the Christian multitude, as does the Roman Catholic church with its claim of infallibility.

Gentle, very gentle, is the hand that Mr. Smith lays upon the Oxford divines, and the very high-church party to which allusion is here made ; yet we gather from the Hulsean lecturer the following description of their style of divinity. It will probably be considered by some of our readers as more authentic than if it proceeded from ourselves.

' At the very time our attention is called, with unaccustomed earnestness, to the evidence of antiquity and tradition in support of our church, a judgment unusually severe, or rather absolutely condemnatory, is pronounced on all communities not Episcopalian : we mean, the most unfavorable, even hopeless conclusions are now put forward, touching the reality of their Christian 'character, and their state of

acceptance with God. They are spoken of as though they were in no better condition than that of the heathen in regard to the specific blessings of Christianity ; and they are so spoken of in no ambiguous terms. But more—it is affirmed that they do *not receive, that they reject fundamental truths*, which to the heathen have never been offered.—p. 239.

The italics are Mr. Smith's. Well might he add, the Church 'will suffer by this hard, undistinguishing judgment upon other communities of Christians.' Yes, the Church will suffer, or else this people be called upon to suffer under a spiritual despotism it is most lamentable to contemplate. We are glad to find the Hulsean Lecturer expressing his disapprobation of these ultra-churchmen ; we wish only that he had been still more bold and still more explicit. And since he took the pains to write a note expressly on the subject, we regret, in particular, that he did not give us his own opinion upon this favored doctrine of apostolical succession, which to us appears the root of ecclesiastical bigotry, *and of nothing else*. Why, when he has occasion to censure the extreme illiberality of one portion of the Church in its application of this doctrine, does he shelter himself under quotations from a bishop or a distinguished clergyman ? How happens it that a writer, on other topics remarkable for trusting to his own judgment—sparing even to barrenness in quotation—ever thinking out his subject by dint of solitary reflexion—seems here to have lost all faculty of utterance, and cannot tell us in the briefest manner, cannot hint to us by the most casual expression, his own sincere conviction upon this dogma of apostolical succession ? We warn all moderate and hesitating Churchmen that if they do not now resist the heady torrent of ecclesiastical intolerance, they will soon lose all power of resistance. Let such moderate men know—however reluctant they may be to admit the fact—that the opinions which they recoil from are every day spreading wider and taking deeper root in the Church, and that a strenuous effort to repel them, if not necessary for the preservation of the Establishment, is necessary for their own safety. Let them know that if already they consent to speak and write in the strain of timid apologists for whatever is manly and sensible in their creed of church government, they will be in reality the *silenced ministers* of their day. By this untimely hesitation they are preparing for themselves the harsh alternative of ejection from their livings, or the violation of whatever conscientious feeling they may possess on the promulgation of the truth. It is not as enemies to the Church, but as friends to freedom (a cause which has, we hope, some partisans in the Establishment) that we now declare, that

if the present opportunity for resistance is allowed to pass, all cure *within* the Church will become desperate,—that she must either fall, or persecute.

What are our politicians, our statesmen, be they of what party they may, what are our men of worldly wisdom thinking of, that they remain so indifferent to this revival amongst us of priestly domination? Shall this country present to all Europe the lamentable spectacle of a people boasting to be enlightened, boasting the long possession of liberty, religious as well as civil, permitting its own Church to lead it back into an ecclesiastical tyranny in no degree less execrable than that which popery itself would have inflicted? Can it possibly be that our free constitution is to be made subservient to the support of a presumptuous hierarchy inimical to the dearest of all liberties? Is it a subject of indifference to a British statesman that his Church is changing under his eyes—that, taking advantage of the old attachment of the people, it is becoming its spiritual despot instead of its teacher—that, relying on the love of a Protestant nation, it is wielding a power destructive of every Protestant sentiment—that, grounded on the plea of state expediency, and professing to be an auxiliary to good government and enlightened institutions, it is introducing the worst of national degradations,—a mental slavery, amongst us?

Is the nation to stand committed to the bigotry of the high-Church party? Is the law, is the civil administration, directly or indirectly, to take cognizance of, or give support to the multiplied *excommunications* which a national church now threatens? These are immediate, practical, political questions. If any man think this is a mere dispute between theologians, let him read the following extract from the introduction to Mr. Newman's work on 'Romanism and Popular Protestantism,' and mark well its spirit and tendency. It is taken from no slight or hasty tract, but from an octavo volume, and from that part of a volume which, being generally written last, may be presumed to express most faithfully the mature judgment of the author.

'It would be well if these men would keep their restless humor to themselves (that is the men who advocate inquiry, while Mr. Newman would inculcate implicit faith); but they unsettle all around them. They rob those of their birth-right who would have hailed the privilege of being told the truth without their own personal risk in finding it: they force them against their nature upon relying on their reason, when they are content to be saved by faith. Such troublers of a Christian community would, in a healthy state of things, be silenced or put out of it, as disturbers of the king's peace are restrained in civil matters; but our times, from whatever cause, being times of confusion, we are reduced to the use of argument and disputation, just as

we think it lawful to carry arms and barricade our houses during national disorders.'—Introduct., p. 5.

So that argument and exhortation are, with this priest, the extraordinary means,—means to be justified by the emergency of the case, while church discipline, excommunication, and anathema are the appropriate and ordained instruments for the inculcation of the religion of Christ! We ask again, with all sobriety, whether a church of which this spokesman would be a fair interpreter, is one that the government of a free people ought to ally itself with?

We have already, on previous occasions, and shall frequently again recur to this important topic. At present we have taken but one view of it, that which was suggested by the lectures before us; and we conclude with repeating to that moderate body in the Church to whom Mr. Smith evidently belongs, our exhortations to be candid, energetic champions of their own sincere convictions. From us the warning may be slighted, but we tell them that if they slumber now, whatever may be the destiny of the Establishment, their own fate is sealed—they will either fall with a sinking church, or be expelled from a triumphant one.

Art. V. *A Treatise on English Grammar, Style, Rhetoric, and Poetry; to which are added, Preparatory Logic, and Advice to the Student on the Improvement of the Understanding.* By RICHARD HILEY. London: Simpkin and Marshall.

IN order to ascertain whether a book is a good one or not, we must first know for whom it is intended, and what it purposes to accomplish. For what class of readers or pupils Mr. Hiley's thick duodecimo is meant, we are utterly at a loss to divine. If it is meant for young children who are beginning systematic grammar, we should say that full half the book is a useless incumbrance, treating as it does of subjects which form, or ought to form, a study for a much later and more advanced period of education. If it is meant for advanced pupils, for those who are *studying* English grammar scientifically, not merely learning it as children practically, then we should say that it is quite useless, since no part of the subject is treated in a scientific manner, and the author seems to be quite ignorant of the great features of the structure of the English language. The formation of the (so called) irregular verbs and the plurals are

given in a most incorrect and imperfect manner. The author seems never to have heard of the strong and the weak formation, or to have imagined more than one way of forming plurals. But perhaps the work is meant for young men who have not had the advantage of early instruction, and wish to learn grammar by themselves. This certainly is a most praiseworthy desire, but it will be likely to end in nothing but conceit and formal ignorance, if an attempt is made to master rhetoric, logic, and stylistic, without a previous course of reading and training. These are much later studies. It has been well said, that grammar is the first thing taught and the last learnt: and this is only a strong way of stating what is an undeniable fact. Grammar in its wider sense comprehending logic, rhetoric, and stylistic, is the last thing learnt, since these parts of it are the result, and, if we may so say, the cream of many other knowledges. We have not space to enumerate the errors or faults of the book: this would take many pages. We will mention a few, however. Page 12, we are told that 'gender is the distinction of *sex*,' and then that 'there are *three* genders,' of course then there are three sexes. Page 15, we are told that *men* is a plural with the *Saxon* termination *en*. This is a blunder which has crept into many of our grammars. Of course if *en* were added to *man*, we should have *manen*. We do not, however, remember meeting with this word. Page 95, we are told that 'the adverb *never* must not be used for *ever*; thus 'charm he *never* so wisely' should be 'charm he *ever* so wisely.' Who ever said that *never* was used for *ever* in this passage? Is it a fact? Did the writer know what he said, or did he not? '*Ever* so wisely' is one phrase, and '*never* so wisely' is another: to confound them is a sheer blunder. Page 94, it is said, 'The active participle must never be used for the passive participle; thus 'money was wanting to defray the expenses,' should be 'was *wanted*,' &c. In the following sentences also, 'young men educating for the Christian ministry,' should be 'young men preparing, studying, or under instruction for the Christian ministry.' 'I want my coat mending,' should be 'I want my coat mended.' This rule (if an entire misconception may be so called) inculcates a serious error. The participle in *ing* is neither active nor passive exclusively: it is the *incomplete* participle; and may be either active or passive, according to its use. Surely our author would not say that 'the house is building' is wrong, or 'the book is printing,' or 'the series of works is publishing.' These phrases, or others like them, are used by our best writers; and the phrases *being built*, *being printed*, are of much later introduction. There are two classes of grammarians—one rejecting *building*, and the other rejecting *being built*. The truth is, both phrases are right according to the existing standard of the lan-

guage. Our best writers use both, and though the simple form in *ing* is undoubtedly the more elegant, being less cumbersome, yet there are cases in which ambiguity would be caused by the use of it; and in such cases the form with *being* must be employed instead, unless we change the construction altogether. We find such phrases as the following in good authors, 'they are being carried,' 'when they are being withdrawn,' and so on.

Page 93, the verbal nouns are confounded with the participles. Of all languages the participles and their derivatives form one of the most difficult parts, and demand especial attention. We have no hesitation in saying, that almost the whole doctrine of the English participles and participial substantives is misrepresented in the work before us. The phrases 'in the philosopher's *hearing*,' and 'by Christ's *preaching*,' are given as examples of the participle: and in a note of very small type they are afterwards called substantives.

Page 85, we are told that 'in familiar language the relative is frequently, but *improperly* omitted;' as, 'he is a man I greatly esteem,' should be 'he is a man *whom* I greatly esteem.' This is some of the same sort of nonsense we had from Mr. Lindley Murray. Our language has suffered very materially from the influence of this rule-making system. Who told Mr. Murray (if he says so, we do not remember now) or Mr. Hiley that the relative is *improperly* omitted? Did Milton teach them this? or South? or Jeremy Taylor? or, to take more recent authors, did Middleton? did Addison? did Johnson? The omission of the relative is an idiom of the language, just as much as the use of it is; and the omission is sanctioned by all the authors we have named, not to mention all the best writers of the present day. What would our author make of such a phrase as this, *the first school I was at*? It cannot be altered. *The house you bought* is as good English as *the house which you bought*, or *the house that you bought*. The truth is, that the *insertion* of the relative is sometimes inelegant and positively bad.

Page 154, we are told that 'if he happen to have leisure' is a pleonasm for 'if he have leisure,' and that *happen to* are superfluous words. Any school-boy might see that *happen* is not superfluous, but adds another idea.

Page 175, we are told that 'long words are commonly more agreeable than monosyllables.' This is a very raw, green statement, and calculated to breed many errors in style. Short words are usually pure English words, and are generally preferable to long ones; not always, of course, but if we *must* have a general rule, it would be in favor of pure English words over Latin and French derivations. The following sentence contains *twenty-five monosyllables*, and not one word of more than one syllable: yet who will find any fault with it on that

account? 'As *we* should act as they did, were we in their times, so, as we think, *they* too would act as *we* do in ours.' This is pure English, and, in spite of its monosyllabism, is not inharmonious.

What notion our author has of *elegance* in language it is difficult to tell, unless it be, that the harder and longer and less intelligible the word, the more elegant it is. For, in page 150, we are told that *accumulating* is more elegant than *heaping up*, *their superiors* than *their betters*, *exclude* than *shut out*. According to this criterion Shakspeare would be very inelegant indeed.

Page 145, we are treated with what are called 'canons of criticism' for determining the use of words, borrowed from Dr. Campbell. To discuss each of them separately would occupy too much space. We have room now merely to state that several of these pretended canons are decidedly wrong, and to give a few examples. Page 166, we are told that such words as *wrong-headedness*, *shame-facedness*, and other long compounds should be rejected, because they are 'particularly harsh and not absolutely necessary.' We deny both the premises and the conclusion. In the first place, these words are not more harsh than the long words so much recommended elsewhere by our author, such as *incompatibility*, *unintelligible*, *continuation*; and, in the next place, they are absolutely necessary; and, thirdly, they ought not to be rejected, but ought to be studiously retained. It is just these compounds which we have left, which serve to show us that we have a language of our own, and need not be entirely indebted to dead or foreign languages.

Again, page 146, we are told that 'the word *beholden* taken for *obliged* should be rejected.' Now, we should say, that *beholden* is not taken for *obliged*, but that if we must talk about taking one word for another, it is *obliged* which is taken for *beholden*. *Beholden* is our own, *obliged* is a gift of foreigners—*beholden* belongs to the staple part of our language: it is home-bred; and to cashier it for *obliged* would be ridiculous.

On the same page it is said that *whit*, *dint*, *moot*, and some other words, are 'too vulgar to be admitted into good writing.' Of course if good English is to be judged of by Scotch canons of criticism, these words may be rejected: but if it is to be judged of by the practice of standard authors, it would be difficult to show the great vulgarity of the words in question.

It is an ungrateful task to go on pointing out faults, and we have no disposition to say any more, although there are scores of other matters on which remark is called for. What we have said will serve, however, as a caution against considering the work as a very high authority.

The only grammar we have yet at all worthy of our language

is Bishop Lowth's. Lowth's English Grammar was, at the time of its publication, the most scientific grammar of any European language; and the improvements introduced into the better German grammars of late years, were many of them long ago applied to English by Lowth. But here, as well as in Germany, the old errors keep their ground in the popular grammars. Here perhaps it is not to be wondered at, when we consider that the English grammars in most extensive use in this country have been written generally by Americans or Scotchmen. Dr. Crombie's is no better than the rest.

Art. VI. 1. *Historical Memoirs of the Queens of England.* By HANNAH LAWRENCE. Vol. II. pp. 456. London: Moxon.

2. *Lives of the Queens of England.* By AGNES STRICKLAND. Vol. III. pp. 448. London: Colborn.

HAVING perused these volumes, we see no reason for altering our former estimate of the comparative merits of the authors. Miss Strickland with much industry has collected a great number of facts (or what for want of knowing better we are obliged to call such), from a great number of authorities, some better, some worse, and tells us plainly and simply what she finds. Miss Lawrence, with perhaps a greater paucity of incident, reasons more; and often comes, we are inclined to think, to more correct conclusions.

Miss Strickland apologizes for some delay in the appearance of her third (monthly) volume. Whatever may have caused it there is no room for apology or regret.

This volume contains, amongst others, the memoirs of those Queens of England who lived—we can scarcely say flourished—during the wars of York and Lancaster. Those of Margaret of Anjou, Elizabeth Woodville, and Anne of Warwick, have interested us the most. No women could be more different in character than these, and perhaps the effect of their histories is not a little heightened by the close proximity in which they stand. As regards ourselves, we are most pleased with the two last-named ladies. The heroine of Anjou is highly praised, and has made most noise in the world undoubtedly; but giving her all the credit due for feeling, and making all allowance for passions and for interests, we must say, that with our estimate of female character, your *fighting* heroines are not greatly to our taste. One of the writers before us has indeed admitted, that the quiet fortitude and passive courage of Elizabeth Woodville produced a

more favorable impression on the English people, than the active bravery and fierce exertions of the belligerent Margaret.

Most of the common notions respecting Margaret of Anjou are taken from Shakspeare; and Shakspeare did not hesitate to go astray, provided he could carry others with him. The character of Margaret has suffered greatly in his hands; and it must be no small gratification to a female writer to be able to restore her fame.

Nevertheless, and though we are rather optimists ourselves, we cannot divest ourselves of the feeling that our fair friends have gone a little too far on the favorable side in delineating the character and career of Margaret. She fell on evil times no doubt, and the spirit of her times was upon her. She came, too, young and inexperienced, to a task which would have tried the powers of practised and accomplished statesmen. Her union with the King of England involved a sacrifice of territory, and what perhaps was worse, of national pride and feeling, which once and for ever associated her name with a consciousness of disgrace and loss. It was in fact the triumph of a party; if, indeed, we may not say more properly of a person:—the Duke of Suffolk. The Duke of Gloster was desirous that the king should marry the daughter of the Earl of Armagnac, who would have brought for her dower Auvergne and Gascony; and we do not see how the Duke of Suffolk can possibly be cleared from the imputation of selfish and unprincipled ambition in opposing this alliance.

Margaret of course was perfectly aware of the opposition of the Duke of Gloster to her marriage. Suffolk was the person to whom she was mainly indebted for her crown; and the talents and attentions of Cardinal Beaufort naturally commanded her respect and insured her regard. Henry, with every disposition to do good, was too weak-minded and irresolute to control the haughty peers who contended for the reins of government, and Margaret must necessarily have sided with the one or the other party, unless she would have been the sport of both. She has been unsparingly charged with injudicious meddling in affairs of state; it does not appear, however, that even her enemies brought forward any accusation of that kind against her till after the Duke of York had been appointed for the first time Protector, and was evidently aiming at the crown. One powerful reason with the queen for attaching herself to the party of the cardinal in opposition to that of Gloster, might we think have been, that Beaufort's policy was all along directed to the establishment of peace with France, in the welfare of which country she must have been deeply interested. Certainly she did not give that common cause of complaint to her people, of surrounding herself with greedy foreigners, and promoting them at the expense and to the injury of her English subjects.

That she was implicated in a plan for the murder of the Duke of Gloster, we consider as extremely improbable; it has never yet been shown that the duke *was* murdered, though the circumstances of his death were very suspicious, and the imputation of his murder was turned to stern account against those who were supposed to have compassed it. At that time Margaret was too young, and of too generous a spirit to yield herself to such a practice. It must, however, have been with the consent of the king and queen that Gloster was arrested; and equally certain that they must have been prepared to proceed to extremities against him; or they and their party would never have struck a blow which, unless it had been final, would have redounded with fearful violence against themselves. Whether Gloster was really plotting against them with the Duke of York, or whether he would have fallen a victim to imputations which the priestly pride and malice of the cardinal would have brought against him, must now be for ever unknown. Certain it is that he had brought forward charges against Beaufort, which the council, being chiefly churchmen, had set aside; and equally certain is it, that never was an injury, real or supposed, forgiven or forgotten by a priest who had the power to revenge it. Six weeks only after the death of Gloster, Beaufort was called to his own account; not indeed with the circumstances of horror described by Shakspeare, but, if we may credit the testimony of his own chaplain, cited by Hall, with sufficient regret and unwillingness; and with lamentations at leaving his ill-gotten wealth, suitable enough from the mouth of a luxurious and ambitious churchman, but which never could have issued from the lips of any Christian.

The death of the Duke of Gloster was the signal for the civil war. The Duke of York became presumptive heir to the crown, failing issue by Henry and Margaret; and it was not till the first illness of the king, when the duke was regent, that the heir of Lancaster was born—the ill-fated Edward, who fell at Tewkesbury. York had dallied too long with temptation to allow of his breaking free, and the bitterness of spirit with which his party beheld the birth of an heir to the house of Lancaster, found vent in casting doubts on the legitimacy of the infant prince; and even in asserting that the child of Margaret had died, and that another had been substituted for it.

The only child of Henry was brought into the world at a time when his royal father was utterly unconscious of all that was passing in it. We transcribe the account of his first interview with his child after the recovery of his reason.

‘On Monday at noon the queen came to him, and brought my lord prince with her, and then he asked what the prince’s name was? and the queen told him Edward; and then he held up his hands and

thanked God thereof. And he said he never knew him till that time, nor wist what was said to him, nor wist where he had been, whilst he had been sick, till now; and he asked who were the godfathers, and the queen told him, and he was well apaid (content). And she told him the cardinal was dead,* and he said he never knew of it till this time; then he said one of the wisest lords in this land was dead. And he saith he is in charity with all the world, and so he would all the lords were.'—*Miss Strickland*, pp. 277, 278.

It is not our intention to trace the progress of Margaret through the vicissitudes of the civil war. Our object is to note those traits of character which develop the nature of the woman; and which aid us in making those reflections from which the study of history derives its value. With this view we shall only add, that after the battle of Wakefield the character of this extraordinary woman appears to have altered suddenly for the worse. There first the tigress dipped her paws in blood; and from that time forward her course was marked by deeds of sanguinary vengeance. Miss Lawrance and Miss Strickland vary on many points: as regards the battle of Wakefield the latter asserts, from the testimony of Hall, that Margaret was present at it; the former, following Wethamstede and Wyrcestre, that she did not arrive till after it. It is pretty certain that York and Salisbury were killed in the battle, and beheaded afterwards; and even this in all probability was not done by the queen's order; though it might have been by her direction that the head of the duke was crowned with paper, and set on the gates of York. Miss Strickland thinks that it was the strength of her maternal feelings that henceforth roused her to such deeds of bloodshed against the enemies of her son. It might in part have been so, but we incline to think that after the events of Wakefield she must have seen that her example would be followed by her enemies, and that the chances of success must henceforth rest with those who could most quickly extirpate their opponents.

After the deaths of her husband, her son, and her father, Margaret disposed of her reversionary interest in her father's dominions to Louis the Eleventh, of France, for an annual pension of six thousand livres.

* This transfer was the last action of Margaret of Anjou's life that history has recorded. She withdrew to the chateau of Dampierre, near Saumur, and there in the deepest retirement she closed her troublous pilgrimage, August 25, 1482, in the fifty-first year of her age. She was buried in the cathedral of Angers, in the same tomb with her royal parents, without epitaph or inscription, or any other

* This was Cardinal Kemp.

memorial, excepting her portrait painted on glass in a window of the cathedral.*—*Ib.* pp. 360, 361.

René of Anjou, the father of Margaret, was a man of a remarkable and enviable temper; a striking instance of the efficiency of an elastic mind, and a love for intellectual pursuits, in disarming the anxieties of life of their power to depress and weary. A king without a kingdom, and almost without a livre, he preserved his equanimity, and appears to have enjoyed his life. No mean proficient in literature and the arts, when deprived of his possessions and imprisoned, he employed his time in ornamenting the chapel of Dijon with miniatures and paintings on glass; and he owed his liberty to the admiration of Philip the Good for his abilities. 'A little before his death he composed,' says Miss Strickland, 'two beautiful canticles on the actions of his beloved Margaret.' His works both in painting and music are extant at the present day. His turbulent nobles scorned him as feeble-minded, but his people surnamed him 'the good.' There is a sunny side to every cloud; and his was one of those thrice happy spirits that always seek and find their station under it.

Much of the life of Elizabeth Woodville, Wodeville, or Wydeville (for her name is spelt in all these different ways), was coeval with that of Margaret of Anjou. Her days began in romance; and as they began so they held on and ended. Her mother, Jacquetta of Luxembourg—a princess in her own right, and widow of the Duke of Bedford—had taken for her second husband Richard Woodville, a mere esquire to Henry the Fifth, but—the handsomest man in England. He was afterwards promoted by Cardinal Beaufort, and became first baron and afterwards Earl Rivers. The fortune of her parents being by no means equal to their rank, they were happy to place Elizabeth as maid of honor with Queen Margaret. While in attendance on her royal mistress she performed her first feat of womanhood by captivating the heart of Sir Hugh Johns, a retainer of the Duke of York. Brave, however, as Sir Hugh was among men, he was afraid to attack the lady single-handed; and therefore procured the Duke of York and the Earl of Warwick to break ground for him; very impolitely, says Miss Strickland, and we hold her to be good authority, for amidst all the changes that have happened since the flood, the heart of woman is the same as ever.

We notice this achievement of Elizabeth for the purpose of introducing the letter of the duke, exemplifying the art of making love at second-hand; being an original it is curious.

* On the authority of Villeneuve; and of Prevost, who wrote a life of Margaret of Anjou.

‘ To dame Elizabeth Wodeville.

‘ Right trusty and well-beloved, we greet you well.

‘ For as much as we are credibly informed that our right hearty and well-beloved knight, Sir Hugh John, for the great womanhood and gentleness approved and known in your person—ye being sole (single) and to be married—his heart wholly have ; wherewith we are right well pleased. How it be of your disposition towards him in that behalf, as yet is to us unknown. We, therefore, as for the faith true and good lordship we owe unto him at this time (and so will continue), we desire and heartily pray ye will on your part be to him well willed to the performing of this our writing and his desire. Wherein ye shall do not only to our pleasure, but we doubt not to your own great weal and worship in time to come ; certifying, that if ye fulfil our intent in this matter, we will and shall be to him and you such lord as shall be to both your great weal and worship, by the grace of God, who precede and guide you in all heavenly felicity and welfare.

‘ Written by RICHARD DUKE OF YORK.’

—Ib. p. 365.

At this time York was Lord Protector. We presume the spelling of the letter is modernized.

The fair Woodville, however, declined the honor of becoming Lady Johns, and the gallant knight consoled himself elsewhere.

We will suppose that the affections of the young Elizabeth were not attracted to Sir Hugh Johns, for shortly after she formed what we are told, and what we have every reason to believe, was a very happy union with John Gray of Groby ; heir of Lord Ferrers of Groby, ‘ possessor of the ancient domain of ‘ Bradgate, which was hereafter to derive such lustre from being ‘ the native place of Elizabeth’s descendant, Lady Jane Gray.’

Happy would it have been for the fair Elizabeth had she ended her days as Lady Gray of Groby ; but it was not so to be. Her husband died in consequence of wounds received in the second battle of St. Albans, where he commanded the cavalry of Queen Margaret, and contributed in a great degree to the success of the arms of Lancaster ; and, as *he* was removed beyond the reach of even royal vengeance, the storm, on the accession of Edward, was suffered, in a somewhat paltry spirit, to burst upon the heads of Elizabeth and her orphan children. It was while living with her mother at Grafton, that she made that attempt on the feelings of the king, which ended in the recovery of her lands and the conquest of Edward’s heart. Under the able tutelage of her mother, the fair widow held her own, till Edward, unable to control his passion, surrendered at discretion, and offered her his hand. We do not mean to insinuate anything against her virtue ; we have no right to do so, for it was never tainted ; we only mean that but for the masterly manner in which the duchess

played her game, it might not have ended as it did. So great were the talents of Jacquetta, and such was her influence over the minds of men (she was exceedingly beautiful too), that she was accused, according to the fashion of that day, of dealing in witchcraft; and to this in after times her enemies attributed the marriage of her daughter with the king. Her spells were probably the same as those which Leonora Concini exercised on her mistress, Mary de Medicis, the influence of a strong mind over a weak one. Elizabeth was privately married to the king, and from that time her lot was splendid misery.

The king ruled the kingdom, and she ruled the king; and she was not proof against the temptations which beset her. Gentle, amiable, and beloved as she had been in private life, she contrived, when Queen of England, to multiply her enemies with such fatal facility, that her husband was shortly driven from his throne by his former most powerful supporters; and the ultimate ruin of her family may be traced in a great degree to the same cause; viz., the insatiable appetite of the Woodville's for dignities, office, and riches.

When Edward was obliged to fly from England, and Warwick and Clarence entered London, the queen took refuge in the sanctuary at Westminster; and here,

‘On the 1st November, 1470, the long hoped for heir of York was born. The queen was in want of everything; but Mother Cobb, a well disposed midwife resident in the sanctuary, charitably assisted the distressed queen in the hour of maternal peril, and acted as nurse to the little prince. Nor did Elizabeth, in this fearful crisis, want friends; for Master Serigo, her physician, attended herself and her son; while a faithful butcher, John Gould, prevented the whole sanctuary party from being starved into surrender, by supplying them with half a beef and two muttons every week.’—*Ib.* p. 390.

It is gratifying to find that Edward liberally rewarded these faithful friends of ‘Lady Bessee’ after he had re-achieved his crown. Once more after the deaths of her husband and her brothers, and the murder of her sons, she retired to the sanctuary of Westminster; which she subsequently left to appear with her daughters at the court of Richard the Third. On the accession of Henry the Seventh, and the marriage of her daughter Elizabeth with that prince, she was restored to her rank of Queen Dowager; but on some apparent misunderstanding with him, she took up her abode in the Convent of Bermondsey, whether as a prisoner or not it is difficult to determine. She died in that retreat in poverty so great, that she had nothing to bequeath to the queen her daughter but her blessing. She was buried at Windsor, in St. George’s Chapel.

We come now to the life of Anne of Warwick, and to the reign of Richard the Third, the whole of which is more or less debatable ground. His views, his motives, his actions, even his person, have furnished themes for controversy. Most of the questiones vexatæ of this and the two former reigns have reference to him. As Shakspeare has portrayed him, he could have no peer, except perhaps in some Byzantine emperor, or the great enemy of mankind himself. We are almost afraid to enter on any observations concerning him; our limits forbid a fair discussion of the subject, and mere assertion would go for nothing—as it ought. Two things, however, we can say with certainty, that Miss Strickland's impartiality appears to forsake her when speaking of him, and that the epithets which she bestows upon him of royal hunchback, venomous hunchback, &c., are in exceedingly bad taste at least, not to say that the fact of his being hunchbacked has never been proved at all. There seems to be a sort of ludicrous connexion in the minds of some writers, between Richard's (quasi) hump, and the crimes with which he is charged. As if his hump impelled him to his iniquities; as if it were his fault instead of his misfortune; or as if it were a greater presumption and a more deadly sin in a man with a hump to murder his nephews, than it would have been in a fine strait fellow of six feet high. Our morality is often too conventional, and we ourselves are too frequently the unconscious slaves of preconceived opinions.

Anne of Warwick was the second daughter of the great earl of that name, and had been married to the young Prince of Wales nine months only before his death at Tewkesbury.* She was taken prisoner and brought to London with Queen Margaret, and the Duke of Gloster immediately declared himself a suitor for her hand. The Duke of Clarence, who had married Isabel the eldest daughter of Warwick, strenuously opposed his brother's intentions, wishing to preserve the entire possessions of the houses of Warwick and Salisbury to himself. He abducted the young lady, and actually placed her in the disguise of a servant in a house in London, where she was discovered by the Duke of Gloster. Miss Strickland affirms, that the Lady Anne detested Richard, and concurred in this plan in order to avoid him; and quotes as her authority an extract from the continuator of the Croyland Chronicle, which asserts no such thing, but only states the facts of Anne's concealment by her brother-in-law, and her discovery by Gloster. The king interfered for the settlement

* Probably she was only betrothed to the Prince of Wales, as Queen Margaret was averse from the match, and the marriage was not to be consummated till Warwick had recovered the greater part of England for Henry—which he never did.

of the dispute, and the marriage of Anne and Richard took place probably in 1473, as their son and heir was born at Middleham Castle, in Yorkshire, in 1474; from whence the duke, who was governor of the northern marches, set out, on the death of Edward the Fourth, to intercept his young nephew on his road to London. If the plans of Richard for seizing the crown were not previously arranged, they must have been suddenly conceived and as promptly executed; unless, indeed, as Mr. Turner supposes (and his argument is so masterly that we are greatly inclined to agree with him), the duke's first measures were intended merely to remove the Woodvilles from power, and cripple their resources; perceiving that, unless prevented, they would do as much for him; and he was led on from step to step to the seizure of the supreme power, by the positions in which he was successively placed, and by the aspect of events. We refer the reader to Turner's History, vol. iii. book 3, as we cannot here enter into the discussion. Richard seized the crown, and in July, 1483, about three months after the death of Edward the Fourth, he and Anne of Warwick were crowned king and queen, and their son Edward was created Prince of Wales, shortly after the two young princes were put to death in the Tower; and in the spring of the following year, the only child of Richard followed them to the grave. He died at Middleham Castle, 31st March, 1484, while his parents were absent at Nottingham, and the heart of his doting mother received a shock from which it never recovered. From that time her health declined, and she sunk gradually but surely towards the grave. Whether she participated in, or was even cognizant of, the crimes by which her husband gained the crown, and sought to retain it in his family, we know not. If she were, her progress to the tomb might well be hastened by such considerations as must have crowded on her. Nature may sometimes triumph over conscience, when the welfare of a beloved object is secured as the wages of iniquity; but the death of that child for whom so much was dared and suffered, must have left her to sink unrespected beneath that worst of all miseries, the consciousness of having committed a mighty crime—in vain.

It has been said that Richard hastened her end for the purpose of marrying his niece, Elizabeth of York. The reason adduced for supposing that he ever thought of Elizabeth seems to be, that she appeared at a high festivity at court, attired in robes of the same materials and fashion as the queen's; and the proof that he 'made quick conveyance of her good aunt Anne' is, his intention of marrying Elizabeth. Surely we need not stay to point out the futility of this.

The only thing that looks like proof on this point is, the letter said to have been written by Elizabeth herself to the Duke of Norfolk (quoted in Bucke's History of Richard the Third), in

which she begs the duke's good offices to procure for her the hand of the king; protesting that she was entirely his in heart and thought; and complaining that the greater part of February is past, and the queen not yet dead. This letter, according to Bucke, 'remains in the autograph or original draught under her own hand, in the magnificent cabinet of Thomas Earl of Arundel and Surrey.'

Dr. Lingard says, that after the queen's death rumours were afloat that Richard had poisoned her, and that this letter seems to confirm the suspicion. He has the following note respecting it. 'It is evident that Richard had not only promised to marry her, but had told her that the queen would die in February. Hence she observes that the greater part of February is past, and the queen still alive.'*

Now with all respect for the authority of Dr. Lingard, we conceive that this is erroneous, and that he has, unintentionally doubtless, given an impression on the subject which the words of Bucke do not warrant.

Those words are as follows. After saying that Elizabeth had objected to the king, that his wife was alive, he continues, 'But the answer which was made in the name of the king to the Lady Elizabeth concerning his queen was, that she would be no impediment of long continuance, being a very weak woman in a consumption, and past hopes of recovery; *her physicians giving THEIR opinions* she would not live past the middle of February next following; nor guessed they much amiss, for she died in the next month, March.'†

This is a most material modification of the case. It was not declared *by Richard* that his queen *would* not survive the month of February, from which the charitable deduction has been drawn, that he was resolved she *should* not. He merely says that such *are the opinions of her physicians*: a very different thing from the delivery of a dictum in the shape of a prophecy, by a man who had it in his power to fulfil his own prediction.

Mr. Turner has noticed the statement of Bucke, together with what must strike every one accustomed to such investigations, viz., that the substance—not the words—of Elizabeth's letter is given; a circumstance in itself sufficient to qualify the authority of the statement. He has not, however, remarked the discrepancy which we have pointed out, and which we think entirely invalidates the inference which has been drawn from the statement of Bucke, who admits, however, that the king *did* make

* Lingard, vol. iii. 4to., p. 594.

† Bucke's *Life of Richard the Third*, in Kennett's *History of England*, vol. i. p. 563.

proposals to Elizabeth, but—as *he* says, not with the intention of really marrying her; but to prevent her from listening to any proposals from Richmond. Bucke, however, is very partial to the house of York.

Upon the whole, we believe that of all the crimes with which it has been the fashion to load the memory of Richard, the only one that can fairly be brought home to him is the murder of his nephews; and from that we fear his character cannot be cleared.

The execution of the noblemen his enemies, was after the most approved fashion of the day, as followed by all parties; and to charge it as a peculiar crime on Richard would be to do him a peculiar injustice. He exemplifies, as Mr. Turner very properly observes, ‘the consequence of once getting a bad character.’ The treatment of the unfortunate Earl of Warwick by Henry the Seventh was equal in atrocity to any of the deeds that have been charged on Richard. Yet his character has been handed down to posterity, not with forbearance merely, but with eulogy.

The brief reign of Richard was marked by anxious and successful endeavors to ameliorate the state of society and better the condition of the people, by the enactment of many wise, liberal, and judicious laws. He reformed abuses; and his acts of private benevolence are multitudinous. He gave a pension of £100 a year to Lady Oxford, the wife of his untiring enemy, during her husband’s exile, and while in hostility to him. He entrusted to Lady Hastings the keeping of all her castles; a noble mark of confidence: and presented her with the wardship of her son and heir; a most valuable pecuniary favor, which doubtless many powerful men were seeking for. He gave an annuity of 200 marks to the Duchess of Buckingham, and paid her husband’s debts; as he did also those of the Bishop of Exeter, his mortal enemy; and performed many other acts of benevolence for which any other man would have been held up to the admiration of the world. But he had committed one cruel and unpardonable sin; and therefore his very good has been evil spoken of. Lord Bacon, who has recorded everything against him, says that ‘his cruelties and parricides, in the opinion of all men, weighed down his virtues,’ thus admitting the unquestionable existence of the latter; and adds, that he was a king ‘jealous for the honor of the English nation.’* He fell the victim of treachery unparalleled in those whom he trusted and honored most; and he has never yet had justice done him, we mean by the world in general.

We are sorry to find that Miss Lawrance has brought her labors to a close. She conceives that ‘the field of modern English history has of late been so extensively and ably reaped,

* Bacon’s History of Henry the Seventh, p. 2.

‘that little remains to reward the gleaner.’ Yet Miss Strickland is about to thrust her sickle into it; and why not Miss Lawrance? Hersickle is as sharp and her arm as able, and we doubt not that her sheaf would be quite as full as her neighbor’s. We half suspect that her tastes are not that way tending. In her histories of the middle (or as she delighteth to call them, the mediæval) ages, she finds herself more at home, and herein lies one great point of difference between our two authors. Miss Strickland spares no pains to do justice to her subject, and having done that to the best of her abilities, she appears to be satisfied; and so indeed she may be: but Miss Lawrance, while she does justice to her subject, luxuriates in it, and commits herself to it with an abandonment, and a kind of joyous identification, that shows it to be to her a labor of love. Of this, her two chapters on society during the middle ages, and on the English poets, are a sufficient proof. To these chapters we must confine our notice of Miss Lawrance’s volume; which we do the rather, because, as we stated in our notice of her first, her opinion of the middle ages very nearly agrees with our own. We still think, however, that her representations on certain points are rather *couleur de rose*; and we must notice these exceptions only, because we have no room at present to do more.

It is principally with regard to the condition of the lower classes, and the influence of certain institutions on it, that we differ from Miss Lawrance, though we are afraid that what we shall say may be somewhat unsatisfactory, as we must rather indicate than discuss. Perhaps we shall put the matter in the smallest possible compass by saying at once, that we do not conceive the condition of the lower orders of society to have been so much better in the middle ages than it is now, as Miss Lawrance seems to suppose; and we must briefly illustrate our meaning.

In the first place—though the means of procuring the necessities of life might perhaps be more abundant in some cases—wages, &c.,—those necessities themselves were not always to be procured. One half of the year’s provision was to be laid in before the winter, and ‘if the winter’s stores were insufficient, *there were no markets* from whence an additional supply could be obtained, and the lord of wide estates and numerous manors might be reduced to the most annoying privation through the *mismanagement of the mistress of the family.*’—p. 30. Now if this happened to great and rich men, to what must not the poor be liable?

Again; speaking of the extensive charities of the time, Miss Lawrance concludes, ‘but at a time when political convulsions might reduce the loftiest to beggary, when famine might in a single winter consume the savings of years, or pestilence sweep

‘away the whole family, and leave the aged man desolate, that ‘spontaneous and abundant charity was not too great.’—p. 18. Surely such things as these, the pestilence perhaps excepted, could scarcely happen in our days, and in England.

Neither can we think that all those undefinable enjoyments which we so emphatically describe by the word *comfort*, were known in those days as they are at present. It is only when civilization has nearly reached its height, that the numerous minute conveniences which make up the sum of comfort are to be met with. In proportion as civilization is incomplete, luxury and want, splendor and squalor, will alternate with each other. Fresh green rushes might have been strewn in the halls of the noble every day, or in those of the affluent plebeian every week; but we have it on the authority of contemporary writers, that in the houses of the lower ranks, these vegetable carpets were suffered to continue till the accumulation of filth beneath them was ready to breed infection. The dreadful pestilences of the middle ages were probably owing in some measure to such causes; and the horrible cutaneous disorders with which the lower classes were afflicted, from wearing woollen next the skin, which was never changed till worn out, were never fully eradicated till the use became general in later days, of (saving Miss Lawrance’s presence) linen shirts, and their feminines.

Last, not least, the uncertain tenure on which property and life were held is sufficient to turn the balance in favor of later times. The ‘small butcher’ might have his tea-spoons and his silver brooches and clasps; or the tanner his ‘mazer pitcher’ worth three shillings (£2 5s.), and his two robes worth a mark, and cape worth half a mark; but if robes, and cape, and life were at the discretion of arbitrary power, he was not greatly to be envied.

At the first tournament held in London, in the reign of Edward the Third,

‘The scaffold on which Philippa and her ladies were placed fell down, fortunately *without doing any injury*, but so incensed was the young king at the builders, that he ordered them *to be instantly executed*, and it was only the earnest entreaties of the gentle Philippa, who actually threw herself on her knees before him, that prevailed with him to grant their pardon.’—p. 120.

Now we certainly think that any *rational* carpenter would wish to live on what he could procure even for a shilling a day under the government of some modern Sardanapalus like George the Fourth, rather than with two costly robes and one mazer pitcher, to be hanged by the great Plantagenet.

We perfectly agree with Miss Lawrance, that the state of

society in the fourteenth and fifteenth centuries was preferable in many respects to that of the sixteenth and seventeenth.

Chivalry no doubt was highly useful in tempering the spirit of the dominant orders during the middle ages. Nevertheless we think Miss Lawrance overrates its value. When equal laws and rights were wanting, the power of the sword, directed by the precepts of benevolence, might *possibly* be the next best thing. It would be useful only during a certain state of society, when man was on his transit to better times. Its hold was on the imagination and on the heart; judgment and justice, strictly speaking, had nothing to do with it. And hence when reason, and justice, and utility were elevated to the rank of guiding powers, and man became possessed of security as a right, it naturally died away. It could not influence greatly the happiness of the masses, and we much doubt whether it ever appeared to them so splendid an institution as it seems to have been to us; and what it appeared to those who were contemporary with it, as far as they were concerned, it must have been. Proximity lessens marvel, and distance is required for every object to ensure its full effect. If we stood beneath the arch of the rainbow, its glories would elude our sight.

Art. VII. 1. *The Bible Monopoly Inconsistent with Bible Circulation : a Letter addressed to the Right Hon. Lord Bexley.* By ADAM THOMSON, D.D. 8vo. pp. 92. Snow.

2. *Monopoly and Unrestricted Circulation of the Sacred Scriptures Contrasted.* By JOHN CAMPBELL, Author of 'Jethro.' 18mo. pp. 106. Snow.

AFTER all that has been attempted, by poetry and oratory, in the way of eulogy on the art of printing, its excellence and value have never yet been fully expressed nor even understood. Mankind have been already so long familiar with its wonders, that it is not easy for them rightly to conceive of a time when the state of human communication was different from what it is at present; and still greater is the difficulty of correctly apprehending the nature and extent of that difference. What would the world have thought, in the middle ages, at the sight of one of our great metropolitan printing establishments, springing up at once in the midst of Europe in its finished state? What would speedily become the condition of our British population were the art of printing to be now prohibited, and men reduced once more to the pen and the pencil for the accomplishment of

all those objects which are meanwhile effected by type, stereotype, the hand-press, and steam power? What would be the amazement of *Guido de Jars* were he to arise from the dead, to be introduced into Bagster's or the Oxford Bible-warehouse, and to be presented with the glorious results of modern printing in all its varieties of form and language? We now look back, with wonder and pity, at the labors of such a man; but perhaps we are ourselves, in one respect, in a condition which will supply to the students of a future age materials for feelings of still greater amazement,—feelings partaking less of compassion than of contempt and censure—when they shall read of the restrictions which are in the nineteenth century permitted to be laid upon this glorious invention—restrictions, too, which chiefly relate to the multiplication of copies of the word of God. The Bible monopoly has of late, however, excited very considerable attention, and it is probable that the bulk of our readers have, more or less, been led to reflect upon the subject. The labors of Dr. Thomson and of others, who have fought by his side, have done great and good service in the cause, and the results already realized are well worth all the toil and all the talent that have been expended in the controversy.

Of the present state of the question we may have occasion to speak at the close; but meanwhile we proceed to inquire a little into the legal character of the patent—a subject which has not yet been brought before the public mind during the existing contest. It is possible that the people of England may be laboring under a strong delusion, and fearing where there is no cause of fear. On this point we have an instance upon record as curious as it is serious. By letters patent of King James I. the Stationers' Company and the Universities of Oxford and Cambridge had obtained the exclusive privilege of printing almanacks, by virtue of a supposed copyright in the crown. This monopoly had been submitted to, from the date of the grant in the former century, till Thomas Carnan, a spirited bookseller in St. Paul's Churchyard, commenced a publication of almanacks in defiance of the patent. He greatly improved the article, and the sale was very considerable. The two universities and the Stationers' Company filed a Bill in the court of Exchequer for an injunction to restrain him, praying that the copies sold might be

* A curious fact respecting this prototype of patient penmen was brought to light in the year 1796, at the sale of Sir William Burrell's books, among which was a MS. Bible on vellum, beautifully written with the pen and illuminated. This was the work of half a century; *Guido* began it in the 40th year of his age, and brought his work to a close in his 90th year, anno 1294, in the reign of Philip the Fair, as appeared by the writer's own autograph at the front of the book.

accounted for, and the remainder delivered up to be cancelled. The court, doubting the validity of the king's charter, directed a question upon its legality to be argued before the Court of Common Pleas; the judges, after two arguments, certified that the patent was void in law; the Court of Exchequer thereupon dismissed the Bill, and dissolved the injunction. From that hour Carnan practised and prospered, till Lord North, then prime minister, and chancellor of the University of Oxford, urged on by the late pseudo monopolists, introduced into the House of Commons a bill '*to revest by act of parliament the monopoly in almanacks, which had fallen to the ground by the above-mentioned judgments in the king's courts.*'* In addition to the whole force of the government, the bill was supported by all the influence of the two universities in the House of Commons; but Mr. Erskine, as counsel for Carnan, was heard at the bar of the Commons, and at the close of his argument the House divided, when the premier's bill was lost by a great majority.

If the doctrine of this decision were honestly carried out, the question of the Bible monopoly would soon be settled. It will assuredly require the combined wisdom of Westminster Hall to demonstrate that the almanack and Bible monopolies rest on different foundations; and that, had the latter been in the position of the former, it would not have fallen. Every consideration that goes to support the Bible monopoly, yielded equal support to that of almanacks. But for the resolute spirit of Carnan, almanacks had been an affair of prerogative, and printed *cum privilegio* to the present hour; and had he happened to fix upon the Bible instead of the almanack, it is exceedingly probable that the cruel and impolitic restriction had been annihilated by the force of Erskine's argument, and by calling forth the operation of British justice. All the triumphs of that great advocate, in fighting for the liberty of the subject and the freedom of the press, had been as nothing compared with the destruction of the Bible monopoly. Our regrets are the deeper because this is the only instance in which the validity of this class of patents has been tried.

It is our deliberate opinion that the Bible patent, as it now exists, cannot be sustained. It is not founded upon any definite or acknowledged principle of justice, but derives its origin from despotic assumptions of authority, which have long since been driven by the spirit and intelligence of the people from the pale of English law. This point is well put by Erskine, in his speech for Carnan. According to that great pleader, 'On the first

* See Erskine's speech for Carnan, introductory notice.

‘ introduction of printing, it was considered, as well in England
‘ as other countries, to be a matter of state. The quick and
‘ extensive circulation of sentiments and opinions which that
‘ invaluable art introduced, could not but fall under the gripe of
‘ governments whose principal strength was built upon the
‘ ignorance of the people who were to submit to it. The *press*
‘ was, therefore, wholly under the coercion of the crown, and
‘ all printing, not only of *public* books containing ordinances
‘ religious or civil, but *every species of publication whatever*, was
‘ regulated by the king’s proclamations, prohibitions, charters
‘ of privilege, and finally by the decrees of the star-chamber.’*

The law Reports set forth a variety of grants of the exclusive right to print in the different departments of the art. In process of time, however, the cruel and oppressive assumptions of prerogative were forced to yield to the resistless pressure of intelligence, and at length, in the year 1769, after the decision of the case of *Millar v. Taylor*,† the only copyrights supposed to be left to the crown, were those of Bibles, Testaments, Prayer-books, acts of parliament, proclamations, acts of state, almanacks, and the Latin grammar. We have already seen that the claim of the crown to grant a monopoly of the printing of almanacks was refused, in the Court of Common Pleas, and the patent pronounced invalid. The greater importance attaches to this case, because on that occasion there was no collusion; both sides were in good earnest, while there is every ground to suspect it was otherwise in the case of *Richardson and the Universities of Oxford and Cambridge*,‡ which came on in the year 1802. In that case the litigants were equally interested in sustaining the monopoly. It was a struggle not for the public, but for themselves; they fought not for the triumph of a principle but for the grasp of the gross plunder. The power of the crown to grant a monopoly in Bible printing was no part of the contest on either side. They, therefore, took the preliminary steps required to give the *seeming* sanction of the law to their common foundation; the one applied for an injunction to restrain the sale of Scotch Bibles in England, and the other submitted till the hearing of the cause should come on. Their object was gained; out of court they shook hands, and no more was heard of the matter. In the case of *Carnan*, the right of the Stationers’ Company to the almanack monopoly was defended on every ground that can apply to Bibles and Testaments. It was

* Speeches, vol. i. p. 40.

† *Gibbs v. Cole*. 2d Wms. p. 265. *Earl of Yarmouth v. Durrell*, 3 Mod. 75. 4 Burrows, 2303.

‡ 6 Vesey, jun., p. 689.

vehemently urged by counsel that the validity of the patent was supported by several decisions in the courts of law, as will forthwith more fully appear. In the *Company of the Stationers and Lee*, the claim of the Company as grantees of the sole printing of almanacks, is put on the king's right as supreme head of the Church to restrain, regulate, and license prognostications of future events. In the *Company of Stationers v. Seymour*,* the matter is very profoundly managed; it is put partly on the ground of original enclosure, and that so much of the right of printing as had 'been kept enclosed, had never been 'made common;' and partly on the ground that there is no particular author of an almanack, and 'then by rule of our law 'the king has property in the copy!' In other cases, too, the judgment was in favor of the Company's sole right to print almanacks in the terms of their patent.† To all these decisions in favor of the Stationers' Company, must be added the opinion of Mr. Justice Yates, who, in his most able and liberal judgment in *Millar v. Taylor*, admits the exclusive right of the crown in Bibles, Prayer-books, Primers, Psalters, statutes, acts of state, and *almanacks*.‡

In the case of the *Stationers' Company v. Carnan*, all these decisions and opinions were presented and pressed, in support of the Company's exclusive right to print almanacks. To crown the whole it was further urged, that almanacks related to the religion of the country, as determining festivals and fasts, and that ever since the Acts of Uniformity which establish the Liturgy, the almanack had constituted part of the Prayer-book. Backed by all this mighty array of precedents and circumstances, Serjeants Glynn and Hill appeared in the Court of Common Pleas in support of it. In the course of the argument, which they conducted with consummate ability, they laid down a principle of great importance in the Bible case, viz., 'That the 'judges had no standard by which to determine whether the 'almanack *was* a prerogative book, and which, therefore, could 'be made a subject of monopoly, than by settling upon principles of good sense, *whether it ought to be one*.' All their arguments went to prove the affirmative. They felt and confessed that monopoly had, and could have, no foundation but in the public good—a pretence which is always doubtful, always perilous. On this point Erskine put forth his strength before the Commons. 'There is no telling,' said the advocate, 'to what 'such precedents may lead;—the public welfare was the burden

* 1 Mod. p. 257.

† 4 Lucas's Reports, p. 105.—34 Car. 2nd.

‡ Burrows, p. 1767.

‘to the licensing acts;—the most tyrannical laws, in the most absolute governments, speak a kind parental language to the abject wretches who groan under their crushing and humiliating weight;—resisting, therefore, a regulation and supervision of the press *beyond the rules of the common law*, I lose sight of my client, and feel that I am speaking for myself,—for every man in England! With such a legislature as I have now the honor to address, I confess the evil is imaginary,—but who can look into the future? This precedent (trifling as it may seem) may hereafter afford a plausible inlet to much mischief,—the protection of the law may be a pretence for a monopoly in all books on legal subjects;—the safety of the *state* may require the suppression of *histories* and *political writings*;—even philosophy herself may become once more the slave of the schoolmen, and religion fall again under the iron fetters of the church!’*

In spite of all this array it was that the judges declared, that the king had no power to grant such a monopoly, and that the Commons of England, after listening to the arguments of Erskine, refused by a large majority, not to ‘renew,’ as they pretended, but to create a monopoly in almanacks to the Company of Stationers and the two Universities. ‘The fallacy,’ said the advocate, ‘lies in supposing that the Universities and Stationers’ Company *ever had* a right to the monopoly which they have exercised so long. The preamble of the bill supposes it; but, as it is a supposition in the very teeth of a judgment of law—it is only an aggravation of the impudence of the application! If the Universities have lost an advantage, enjoyed contrary to law, and at the expense of sound policy and liberty, you (the Commons) will rejoice that the courts below have pronounced that wise and liberal judgment against them, and will not set the evil example of reversing it.’

Such is the history of the glorious struggle of Carnan against the patent which gave the monopoly of almanacks. Let our readers distinctly understand, we again repeat, that almanacks stood, to all intents, upon the same foundation with Bibles and Testaments. In all the arguments of counsel, and in all the judgments of the bench, they have been always classed together as part and parcel of the same system, as constituent elements of a compound privilege, and as objects resting on the same basis.

The right of the crown to exclusive printing, and the con-

* Speeches, vol. i. p. 48.

sequent creation of monopolies, is thus stated by Blackstone.* 'The king, as the executive magistrate, has the right of promulgating to the people all acts of state and government, and the right of printing at his own press all acts of parliament, proclamations, and orders of council. 2nd. As supreme head of the Church, he hath a right to the publication of all liturgies and books of divine service. 3rd. He is said to have a right by purchase to the copies of all law books, grammars, and such other compositions as were compiled or translated at the expense of the crown—and upon these two last principles combined, the exclusive right of printing the translation of the Bible is founded.'

Here by this great constitutional lawyer the matter is brought explicitly before us. On this principle we undertake to make out a case demonstrative of the perfect right and uncontrollable freedom of all printers to print the sacred Scriptures. The royal restraint, it will be found, lies not in the printing, but in the use. Erskine, in his speech for Carnan, admits that the sovereign has a right to publish 'religious and civil constitutions'—that is, as executive magistrate, he has a right to publish acts of parliament, orders of council, &c., for the regulation of civil government; and, as head of the Church, he has an equal right to publish Bibles, Testaments, liturgies, and forms of prayer to be read in the churches of which he is the head. To all this he has a right, but to nothing more. This is the limit of political and religious necessity, and consequently the limit of royal prerogative, which is strictly bounded by that necessity. The sovereign may print for his own Church, and order that in the said Church no other books shall be used than those of his preparation. But this is the uttermost extent of his prerogative. This is all that is required even by the largest interpretation of the principles of Blackstone. It is high time that the reign of absurdity, combined with oppression, should terminate! It is utterly preposterous to hold that the king, as head of the Church by law established, has, therefore, and necessarily, any exclusive right over the Bible. It may as reasonably be argued that because he has his own dock-yard for his own navy, that he, by consequence, has the right of building hulls, making blocks and masts, and forging chains and anchors for the whole mercantile service of England! His own docks exist for his own fleets; but all his subjects may build vessels for themselves according to their own pleasure. It is exactly so, both in law and in reason, as respects his Church and his printing-press.

* Vol. ii. p. 410.

We really can see no more absurdity in a ship-building patent than in a patent for Bible printing. The principle is one. Let those who deny the allegation demonstrate the difference.

Let us look at the principle in its legitimate extension. If the royal prerogative be extended to anything in religion, among Dissenters, it must be extended to everything. Why does not his majesty claim to print liturgies for such of the Dissenters as use them? Why, indeed, not compel their use by all? Why does he not dictate to them special prayers on special occasions? But we trifle! Who does not perceive that since the Dissenters' emancipation act, the entire body of Nonconformists have a full, good, indefeasible right to print the Scriptures for themselves? But who does not perceive that, if they are bound to buy the Bibles produced at the royal press, at the pleasure-price of the patentees, they are still forced to submit to the authority of the civil power in the most important of all religious concerns? Who does not see that the principle which sustains such a right goes much further than the right which it sustains? If his majesty may say *who* shall print, may he not also say whether *any* one shall print?

The rights of Dissenters are altogether incomplete, unless they enjoy the full liberty of printing the Scriptures for themselves. Even granting, what we do not allow, that the Bible patent is valid, in so far as the Church is concerned, still the recent change in the condition of Dissenters has placed the whole question of the Bible monopoly in an entirely new position. When that monopoly was established there was no such body in the realm, and hence the patent looked only at the Church. Now, however, that this immense class of subjects has arisen in the land, they are without the ecclesiastical pale; and the right of Bible printing is and has been, ever since the passing of the law which brought emancipation, the Nonconformists' birth-right. The Bible is the common property of all Christians, and since religious uniformity is no longer contemplated by the law of England, no right of prerogative can now be argued from an alleged necessity to prevent heresies in doctrine. Whatever color or pretext there might have been for the king's interference when religious uniformity was enforced by law, there can assuredly be none now; and it is in his character as supreme head of the Established Church alone, that his right can by any possibility exist.

But we have not yet done with the law, the confusions and contradictions of which are among the chief grounds of our hope. Where reason and justice supply no immutable principle, it is no marvel if lawyers of the first ability differ in opinion; and hence the denial of Lord Mansfield, that the king had any prerogative right to the translation of the Bible. This

great lawyer put it entirely on the ground of *property*, which leads us to the second foundation assigned by Blackstone for the royal copyright.* Lord Mansfield pours contempt on the royal prerogative, and places the king on the same ground with any author or proprietor. 'The Hebrew Bible, Greek Testament, and Septuagint,' says his lordship, 'do not belong to the king; but the translation he bought.' Mr. Justice Willes takes a similar view. 'I cannot distinguish,' says he, 'between the king and an author. I disclaim any idea that the king has the least control over the press but what arises from his property in his copy.' By these distinguished men the doctrine of prerogative is at once discarded. This is a grand approach to reason and intelligibility; it also narrows, by more than a half, the ground of contest. The principle here laid down is one of the greatest possible importance. It is the only distinct and tangible view that has ever been set forth on the subject of prerogative, which it explains by annihilation! It strips the subject of all disguise, and renders it a matter to which the principles of commerce and of general justice may be fully and readily applied. Keeping this principle steadily in view, then, we shall have little difficulty in demolishing the whole fabric of the Bible monopoly. Here we have its advocates in the toils, and, if they can, let them escape! The royal right arises from the single fact that the king was at the expense of the translation; prerogative there is none. Even the supreme headship of the Church seems, at least for the moment, to be given up or forgotten. Very well: was this expense a private disbursement of the king? If so, the Bible must have been his private property; it would not have belonged to the crown, but to the person, and, instead of descending to his successor, it must have devolved to his heirs. Again, allowing that there did exist a right of property in the copy, at common law, and that the king, not being named in the statute of Anne, was not affected by it; still it remains to be shown that the king acquired the copyright by *purchase*, as distinguished from a license, for reward, to publish the result of the labor of others. But again, if, as the fact was, the expense was paid out of the public purse, was not the purchase for a public benefit? Had the crown, then, a right, in law or justice, to convert Bible printing into a monopoly which must of necessity be prejudicial to that benefit. Take it either way, and then show us how it can be made to sustain the Bible patent. Tell us how, even upon the absurd hypothesis of a perpetual common law copyright, the crown could, under the circumstances, acquire an

* *Millar v. Taylor, Burrows*, p. 2404, 2405.

exclusive right over the translation of the Scriptures! Is King James intended as the first who acquired the right? Let us, then, examine his majesty's instructions to the translators, and their address to the readers, and we shall find that they freely used all the existing translations. To this, in fact, they were enjoined in the king's fourteenth rule, which runs thus: 'These translations to be used when they agree better with the text than the Bishops' Bible, viz., Tindal's, Coverdale's, Mathewe's, Whitchurch's, Geneva.' The translators confess, too, that they acted up to their instructions, and made the fullest use of the labors of their predecessors. These considerations suffice to destroy at once and for ever all claim to *property* in the translation. The claim of property, indeed, as distinguished from prerogative, was never dreamed of so long as the licensing acts existed.

The right appears, according to Blackstone, to be a sort of prerogative property; but Lord Chief Justice De Grey, in the case of Donaldson v. Beckett, speaking of the argument of the Solicitor-General York, in the case of Baskett v. University of Cambridge,* says, that property founded on prerogative, however allowable for counsel to put, was 'not admissible by, nor intelligible to, a judge;' and Lord Camden, in the same case, speaking of the arguments in favor of prerogative copies, says, '1st. It is put on the topic of prerogative, then of ownership.'

'First. Henry VI. brought over the printers and their presses; ergo, says counsel, he has an absolute right to the whole art, and all that it can produce.

'2nd. Printing belongs to nobody; and what belongs to nobody is of course the king's.

'3rd. The king pays his judges; ergo, he purchases that right for a valuable consideration.

'4th. He paid for the translations of the Bible; therefore, forsooth, he bought a right to sell Bibles. Away with such trifling!

This admirable sense found a ready response across the Irish Channel in the judicial bosom of Lord Chancellor Clare, in the case of Grierson v. Jackson.† In giving judgment his lordship said, 'I can conceive that the king, as head of the Church, may say, that there shall be but one man who shall print Bibles and Books of Common Prayer, for the use of churches and other particular purposes; but I cannot conceive that the king has any prerogative to grant a monopoly as to Bibles for the instruction of mankind in revealed religion. If he had, it would be in the power of the patentee to put what price he

* 1 Bl. Rep. p. 106.

† Ridgway's Rep. p. 304.

‘pleased upon the book, and thus prevent the instruction of mankind in revealed religion.’

Our readers have now before them the sum of the law upon the subject of the Bible monopoly; and, we think, men of understanding will be able to form their own opinion of its moral, if not also of its legal, merits. They must clearly see that the abolition of the Test and Corporation Acts has exerted an extraordinary influence upon this patent; and that a right to produce, or in any way to procure, the books employed in their public and social worship, is among the unquestionable privileges of English Nonconformists. So unjust, so unreasonable have the patentees for many years felt their privileges to be, that they have shrunk from the ungracious task of prosecution. They have winked at the infraction of their patent in all possible ways, even previous to the abolition of the Test Acts, when they might still have retired into the citadel of patents, precedents, and prerogatives, and have fulminated upon the unhappy men who had stepped within the enchanted circle. It was not thus fifty years ago. Patentees were then heroic men. Towards the close of the last century, so celebrated for pensions, jobbing, the contraction of debt, the plunder of the public, and the slaughter of men, public fasts were much in vogue. The periodicals of the day record the following fact relative to one of these occasions.

‘CASE IN CHANCERY FOR THREE PENCE!!!

‘*Eyre and Strahan, King’s Printers, v. Ogilvy and Speare.*

May 3, 1794.

‘A few days previous to the last general fast, the defendants, through ignorance of the law, sold *one* copy of the ‘Form of Prayer,’ appointed to be used upon that occasion, not printed *by authority of the king’s patent.*

‘The plaintiffs, without giving the smallest intimation to desist, filed this bill to compel the defendants to account to them for the profit arising from the said sale. Upon being served with the subpoena, the defendants applied to have proceedings staid; which the plaintiffs, after considerable hesitation, agreed to, on condition of defendants paying costs, and making affidavit to the sale. This *important cause* was this day finished, when the plaintiffs received **THREE PENCE!!!** the profit arising from the sale; and when the attorney, Edward S. Foss, of Gough Square, did not blush to receive £13 6s. 9d. for costs incurred.’

Well and truly might Burke exclaim, were he now alive, ‘the age of chivalry is gone, and the glory of Europe is departed for ever!’ Just conceive of Mr. Spottiswoode now commencing an action against some Bibliopole of the Row, for selling one

copy of a form of prayer not printed by him! The thing is impossible. The days of prosecution, 'the glory' of the patentees, are passed away, no more, we trust, to return. No patentee, in his senses, will, we believe, henceforth venture to appear in an English court to prosecute for the printing of the Scriptures. Were we ourselves printers, we should not hesitate, in the face of the whole world, to employ our types and presses in diffusing the Scriptures of truth. As Nonconformists, in particular, we boldly claim it as a part of our religious rights to prepare or procure our Bibles, as well as our other books of devotion, in whatever manner we please. That right we should exercise to the uttermost. We would, therefore, present no petitions on the subject. This we should deem worse than folly; it were to concede a point the reverse of the great principle which we assume, which we claim, and for which we are ready to contend to the last extremity! All such petitioning we consider to be in the highest degree both preposterous and injurious. In printing for ourselves we contend that we do no wrong. If the patentees think differently, and hold that they are thereby aggrieved, let them seek their remedy, and we will abide by the consequences! If they do not move, our object is gained; if they do, the question will then be tried; and if, in the eye of the bench, we have not in law what we know we have in justice, we will find means to redress the mighty grievance, and to conquer this glorious privilege, which, of right inalienable, belongs to the Dissenters of England! On many accounts this is the best method of proceeding. By petitioning we should only add strength to the cause of monopoly. Considering the state of parties in the House of Commons, and especially in the Lords, and above all the jealous and bitter feeling of the Established Church which would impel them to move heaven and earth to oppose the abolition, we deem all attempts in the way of petition little better than effort thrown away. We can, to be sure, conceive of an organization and a movement which would force the abolition, or compel the grant of a concurrent patent to the Dissenters; but this would take considerable time, and be a matter of some labor and expense. To all that might be necessary for the object, however, we would cheerfully submit were it necessary. But we are, after much deliberation, conscientiously opposed to all attempts at abolition by petitioning, on the ground of moral principle. It assumes as true what we maintain to be false, viz., 1st, the validity of the Bible patent; and, 2nd, its application, supposing its validity, to the Bibles used by Protestant Dissenters. We hold that the patent is not worth a straw; and we further hold that, whatever be its character, in relation to the Established Church, it cannot upon any principle of law, of justice, or of common sense, apply to us.

We are, therefore, wholly adverse to any movement which would compromise truth, honor, and principle. We stand upon our rights. We will exercise them. Do the monopolists threaten? Nonconformists defy! Do the former assail? The latter defend! This course, which is that of principle, will be also found the path of prudence. Our counsel, therefore, to the people of England is—*No petitioning!*

Our attention is next called to the working of the Bible patents, a wide and rather complicated question, which, nevertheless, the minutes of evidence taken by the several Committees of the House of Commons, have largely served to illuminate. Of this evidence Dr. Thomson's letter contains an elaborate analysis, which constitutes the basis of much conclusive reasoning. One leading object is, to test the merits of the patent in relation to cheapness, and on this point his letter proceeds as follows:—

‘Now, Sir, for the real merits of the patent in relation to cheapness. We shall test it by various methods—by estimates of reputable printers, by Government returns, and by facts. One eminent practical witness dealt with the English patentees, in relation to the Statutes, in a very searching and satisfactory manner. The patentees averred that they did not pay. The printer sat down and calmly investigated the subject for thirty years, beginning with 1790, and made the following estimate:—

First Ten Years, commencing with 1790.				
Patentee's charge, -	-	-	£176,074	19 9½
Printer's estimate, -	-	-	55,614	10 0
Second Ten Years.				
Patentee's charge, -	-	-	£124,643	1 7½
Printer's estimate, -	-	-	51,484	0 0
Third Ten Years.				
Patentee's charge, -	-	-	£89,746	9 10½
Printer's estimate, -	-	-	42,007	0 0
Aggregate charge, -	-	-	390,464	11 2½
Aggregate estimate, -	-	-	149,105	10 0

‘The witness declared that, on these estimates, he would have realized a handsome profit; and, sir, let it be especially remembered that, at the time of the evidence, the quarto sheet of the Statutes had been sold, during the space of one year, for 4*d.*, during the seven years previous to that, for 4½*d.*, and prior to that period, for 5*d.* The said witness (Mr. Brook) mentioned, that he considered twopence 100 per cent. too much, and deemed one penny an ample charge—a charge which would yield him a profit of 20 per cent. Sir, will any person say that this tradesman's estimate should be received with caution, from the jealousy which reigns among people of the same craft? Be it so. What is now the fact? Investigation was followed by reduc-

tion. The Statutes are now sold to Government for one penny, and to the public for three halfpence !

‘So much, sir, for this branch of the English monopoly ; let us now see how the northern patentee used his privilege. We shall fix upon the stationery department. The adage asserts that comparisons are odious ; to patentees, who generally ‘prefer solid pudding to empty praise,’ they are worse than odious—they are injurious. The arrangements of the Head Office in London, supplied a standard by which to test the charges of the Scottish monopolist. The application of that test produced confusion in more than one quarter. The Government lost all patience with the cormorant, and insisted on the surrender of this branch of his monopoly, offering $12\frac{1}{2}$ per cent. as compensation for his loss. With much reluctance, and after a quiet struggle, the patentees prudently complied ; for resistance had probably been fatal to the entire monopoly. They had still the undivided empire of Bible printing and publication in which to gratify their lust of lucre, and they made the most of it. The year 1829 supplies an illustration of the two systems :—

	OLD SYSTEM.				NEW SYSTEM.			
Excise, - -	£6,192	4	5	$\frac{3}{4}$	£1,778	2	2	
Customs, - -	1,444	7	10		588	19	8	
Post-Office, -	1,246	9	6	$\frac{1}{2}$	660	10	8	
Stamp or Tax Office,	1,469	12	8		685	14	6	
	<hr/>				<hr/>			
	£10,352	14	6	$\frac{1}{4}$	£3,713	6	9	
$12\frac{1}{2}$ per cent. for compensation, -	-	-	-	-	464	3	4	
	<hr/>				<hr/>			
					£4,177	10	1	

‘Thus the Government righteously rescued the funds of the country from the harpy hand of a rapacious monopoly ; but left it to devour, at pleasure, the property of the churches of the living God ! Surely, sir, these facts will prepare you for anything that may now be advanced concerning the Scriptures of truth, our next subject. Here, too, we shall commence with estimates, and then proceed to facts. One witness, Dr. Lee, a clergyman of reputable standing as a man of letters, presented the following list of estimates received from one of the principal printers in Edinburgh. As compared with the stationery business, they will be found in perfect keeping. The first list shows the selling price of the monopolist Bibles, and the second the prices at which they might be sold according to the estimate of Mr. Balfour ?—

	THE MONOPOLIST.					MR. BALFOUR.	
	s.	d.	s.	d.		s.	d.
School Bible, -	3	6	and	4	0	-	1 6 $\frac{3}{4}$
24mo, - -	2	0				-	0 9 $\frac{1}{2}$
Octavo, - -	6	6				-	2 10 $\frac{1}{2}$
Quarto, - -	9	6				-	3 8

‘These estimates of the Scotch printer are fully borne out even by

the evidence of the English witnesses, although the latter have to pay a higher price for labour.

‘Mr. Childs of Bungay, whose deeds and deserts, in relation to this question of questions, can hardly be estimated in the matchless, the invaluable, body of evidence which he exhibited before the Committee of the Commons, enveloped the whole of the vast subject in one blaze of light, which sufficed at once to confound and to destroy the evidence of the monopolists, had that evidence possessed ten times the substantial importance which adhered to it. By careful analysis, we have discovered that, in his first evidence, he considerably understated everything; on the next committee he lowered his estimates, and thus nearly approximated the truth. Mr. Childs, moreover, while attentive to the public, is not unmindful of himself. By his estimate he provides—as he ought to provide—an ample return on his capital. For example, the minion Testament, which the monopolist sells wholesale for 1s. in sheets, Mr. Childs offers to sell at 8*d.*; nor would this be to drive a ruinous trade, for the worthy printer confesses that even then he would have a profit of cent. per cent.! He demonstrates that the said Testament would cost him just 4*d.* Keeping in view Mr. Childs’ principle, sir, you will now be able to estimate the merits of the monopoly in regard to cheapness, as exemplified in the following list:—

MONOPOLIST PRICES, WHOLESALE.				MR. CHILDS'S ESTIMATE.				
	<i>s.</i>	<i>d.</i>		<i>s.</i>	<i>d.</i>		<i>s.</i>	<i>d.</i>
Brevier Testament	-	0	10	0	7	or	0	7½
Minion Testament	-	1	0	0	6½	or	0	7
Minion Bible	-	4	5	3	0	or	3	3
Small Pica	-	7	3	4	3	or	4	6
Small Pica, fine edition	16	0		10	0	or	11	0

‘Now, sir, such are the selling prices on the one hand, and the estimates on the other. Do you suspect the estimates on the ground of rivalry or mercantile jealousy? Let us then pass from estimates to facts. In pages 98, 99, of the Report for 1831, you will find Mr. Parker, the witness for Oxford, confessing that the minion Testament cost the University only 4½*d.*, that the wholesale price is 10*d.*, and the price to the public 1*s.* 3*d.* Again, what is the confession of Mr. Waddell, the manager of the late Scotch patent? Did he not, sir, avow that the very first book on his list cost only 13*s.*, and that his selling price was just £1 6*s.*? Did he not grant that he put a profit of from 50 to 100 per cent. upon all his editions, according as they were more or less saleable? Nay, more, sir, what did the witness Ruthven depose to, respecting the prices of the Scriptures in America? Did he not produce a beautiful nonpareil New Testament, for which only 4½*d.* was paid, as the selling price in New York?’

The next subject of inquiry is that of accuracy. On this point we are anxious to avoid extremes, as will fully appear by a

reference to former articles in our Journal.* It is enough to show, that the degree of accuracy attained by the patentees has not been greater than must have been realized in the way of free trade, and hence that on this score nothing has been gained by the patent. Dr. Thomson thus proceeds :—

‘We have next to inquire whether the monopolists have really established a claim to superior accuracy. On this ground, sir, their pretensions have been great; great nearly in proportion to the want of all foundation. The evidence given before the Committee, established a most unlooked-for fact by the public—that the Oxford Bibles have been the most inaccurate of all! From the evidence of George Ofor, Esq., it appears that a schoolfellow of his, Mr. W. Randall, betook himself to the correction of an edition of a nonpareil Bible printed at its press, in which he found upwards of 12,000 errors! When this industrious young gentleman had finished his Herculean enterprise, he very appropriately transmitted the result to the Archbishop of Canterbury, who, in return, sent him a handsome letter and £10 for his trouble. The same highly-competent witness also deposed—as every literary man knows the fact to be—that during the days of the Commonwealth, when the patent and all others were abolished, and all might print that pleased, some of the finest and most accurate editions of the Scriptures that ever saw the light were produced. Patents, sir, are not, and they never can be, a remedy for errors. Sir, they actually remove the principal inducement to accuracy. What are patents but a bounty upon negligence; a shield to protect a man from the consequences of his own carelessness? The plea of accuracy is just as unfounded as the plea of economy. The bulk of our daily newspapers, notwithstanding the rapidity with which they are got up, are much less incorrect than many of the patentee editions of the Word of God. What a delusion men have been labouring under! How dearly we have paid for our deception! How culpably patient have the people of England been under a most grievous wrong! But the mists are dispersing, the beams of the morning have begun to break forth, and a fire is kindling in our land which shall continue to burn until it shall have consumed to ashes the parchments of this most pernicious monopoly. I trust you are convinced that the Bible monopoly has no foundation either in justice or in expediency, since it has in no way contributed to the public good. Tried by the tests of economy and of accuracy, it is, in both respects, equally wanting; and, viewed in all its aspects, it is a meet object of condemnation!

In addition to this exposure by Dr. Thomson, the author of ‘Jethro,’ in his reply to Mr. Spottiswoode the Queen’s printer, which forms an appendix to the letter of Dr. Thomson, states a number of startling facts. The royal typographer, unhappily

* Eclectic Review, June and August, 1833.

for himself, but much otherwise for the public, has said in his attack upon Mr. Campbell, 'I cannot but look upon his bare-faced assertions as to the profits on editions of the Scriptures printed by the Universities and the Queen's Printer (for there is no attempt at proof) as a deliberate misrepresentation to catch the unwary, to assist in forming an opposition Bible Society, and to raise a subscription.' To this Mr. Campbell replies:—

'I thought I had made some attempt at proof;' but I may have miscalculated the effect of my own impotency; I will, however, try again. But, sir, I will freely confess to you, the subject is one of some difficulty. The Queen's printers have thrown a veil around their establishment which envelopes the whole concern in the thickest darkness. Preparatory to the Committee of Inquiry, the Lords of the Treasury, on January 12, 1831, ordered 'A return of the total number of Bibles and Testaments, and Books of Common Prayer, printed by the patentees for the last ten years; distinguishing the number printed of each size, the quantity of paper each contains, and the prices charged per copy in quires; and showing what amount has been received in drawback on the duty on the paper.' This return, with a few questions, would have illumined every corner of the dark cavern. On January the 19th, however, the patentees wrote a letter to Mr. Spring Rice to deprecate the order, declaring that 'it would be injuring the universities as well as the King's printer, if the details of their respective trades were disclosed;' but, at the same time, assuring the hon. gentleman that 'the public obtain the various articles contained under the patent, at a cheaper rate than they could be obtained in any other way.' By this means they escaped the necessity of stating the 'number of each size of Bibles and Testaments,' which went far to neutralize the whole order. On March 2, 1831, Mr. Spottiswoode appeared before the Committee; and their main object being to ascertain profits, they asked him if he could make a return of the 'number printed of each edition, the number sold, and the prices, for the last ten years;' his answer was, 'No, I cannot.' They inquired if he could do it for five years. He submitted the previous question, to which it was replied, 'the Committee have determined that that is a fit question to be put.' He was then requested to furnish this account, and informed that time would be given for its preparation. On March 30, he was called again before the Committee, but came without the account. He declared 'there never was any balance sheet;' that he was ignorant of the principle on which the division of profits had been made, and referred the Committee to Mr. Eyre. On April 15, Mr. Eyre appeared, and revealed a state of things which is very instructive.

According to him there had been no stock taken—no balance sheet—no 'fixed time for division of profits.' 'Being,' said he, 'upon a confidential footing, we kept our accounts in a way that satisfied ourselves.'

(Q. 1695.) But when you found the accounts would bear money

being taken away, it must be presumed there was some account made up at the time?—Yes.

‘(Q. 1696.) Can you state the amount of the profits divided at each of those periods among the partners?—No.

Here are three simple steps : moneys were divided, entries of the sums were made, yet the amount of the sum so divided and so entered could not be stated.

‘(Q. 1706.) Mr. Spottiswoode has been examined upon it, and referred to you in regard to profits?—I understand he did ; but not as, I suppose, the Committee mean. I know the business generally, but am not able to give detailed information.

‘(Q. 1722.) Mr. Spottiswoode was understood to say he had charge of the operative branch ; he was asked how the general accounts were kept of the work done and the charges made, and he has stated he *cannot give any information upon that subject*?—I cannot tell how that is ; I only know I am quite incompetent.

‘(Q. 1723.) Is there any other person likely to be better informed than Mr. Spottiswoode?—No.’

Surely if on earth there be a temple of confusion, a fit receptacle for the goddess of dulness, it is a royal printing office ! A great politician once said, that mankind were not aware how little sense sufficed to govern the world. It would really seem as if the omnipotence of stupidity extended beyond courts and cabinets. The case before us demonstrates that a small measure of wisdom and of order—if *all was true*—suffices to conduct a large business, and to print Bibles for a great nation ! In the history of commerce, in the experience of courts and committees, the exhibition of which a specimen is here given, has not often found a parallel. Upon such a question as profit, however, Mr. Hume was not the man to be easily defeated. The questions proceed till a few sparks of light are at last elicited.

‘(Q. 1731.) You admit a very large capital belonging to you, employed to carry on the King’s printing?—Yes.

‘(Q. 1732.) In what manner are you repaid for the use of that capital, and how is the account kept?—By the produce of the concern.

‘(Q. 1733.) In what way is it ascertained?—By a debtor and creditor account.

‘(Q. 1734.) Then there are debtor and creditor accounts?—Yes, undoubtedly.

‘(Q. 1735.) Cannot you supply a copy of that made up annually, or at other periods?—No ; because it involves a great many other concerns of other people, some of whom are dead and gone, and whose interests I am bound to protect.’

At last it comes out, that the profits of the patent are at least £12,000 per annum ! But enormous as this sum is, I am far from satisfied of the correctness of the admission. It is clear that the patentee, Mr. Eyre, was either very incapable or obstinately averse to deal with the question. But, sir, I have at length found a key to open every door and every cell of this enchanted castle. Are the people of England prepared to listen to the amount of profit realized, during the ten years preceding 1831, by the English monopolists ? Let them,

then, hear the fact; those profits were about £60,000 a-year! Nothing can be more conclusive than the proof of this astounding fact. At page 359 of the evidence of 1831, you will find a table, dated February 18, 1831, of 'Returns of the amounts that have been paid to each University, and to the King's printers, as drawback on the duty on paper, used for Bibles, Testaments, and Books of Common Prayer, for the last ten years.' Of this most important return, the following is the result. There were paid—

To the English monopolists,	-	-	£97,321	1	6
To the Scotch monopolists,	-	-	16,645	4	0
To the Irish monopolists,	-	-	2,421	8	0 $\frac{1}{4}$

Such, sir, are the facts—now for their application. The proof is merely an affair of the rule of proportion in its simplest form. The amount of drawback, as unerringly given by the Excise-Office, determines the amount of business done by the parties respectively; therefore, independently of size, price, and quantity, if we can ascertain the gross or the nett profits of any of the bodies of patentees, we can ascertain, with sufficient accuracy, the sums realized by the rest. This we have done. When Sir David Hunter Blair was requested to state his profits, in a frank and honourable manner he referred the committee to Mr. Waddell, his manager. There was with him no shuffling, evasion, or equivocation; no plea of complexity, or delicacy, or difficulty; and the servant was worthy of his master. He was brought from Edinburgh in such haste that he had no time for regular preparation; but, to the extent of his knowledge, he spoke on every subject with an honourable candour and a beautiful transparency. Some of the chief questions follow:—

'(Q. 270.) What is the amount of the nett profits last year?—The nett profit, last year, was about £9,600.

'(Q. 271.) Have you any bad debts?—Yes, the bad debts were struck out before I made my balance, but I made no allowance for interest on capital, and for wear and tear of stock.

'(Q. 272.) From your recollection, have the past years been more or less?—Some of them more, but I think none of them less.

'(Q. 273.) Do you suppose the average of the last ten years will amount to £10,000?—I should suppose between £9,000 and £10,000, but not £10,000.'

The manager, Mr. Waddell, obviously an honest man and an upright witness, was in error. He clearly considers that the profits were nearly, but not quite, £10,000. The truth, however, is, that they were considerably more than that sum. The total drawback on the paper, during the ten previous years, was £16,645 4s.; the drawback on the year in question, viz. 1830, was £1,616 1s. 3d. If you divide the total of the ten years by the sum of that year, you will find the quotient will measure the divisor, and leave a fraction of considerably more than one-fourth above the £10,000 as the annual profit of the Scotch patentee! But what is the total profits for the ten years? Considerably upwards of One Hundred Thousand Pounds!

Sir, here is a simple case of schoolboy arithmetic : the drawback of the Scotch monopolist was £16,645 4s. ; the drawback of the English monopolists was £97,321 1s. 6d. during the ten specified years. If £16,645 4s. realize upwards of £100,000 during that period, what will £97,321 1s. 6d. realize? It will realize within a small fraction of Six Hundred Thousand Pounds! How much is this short of Sixty Thousand Pounds a-year? Let the people of England ponder these words !'

On the expiration of the patents in Scotland, a new order of things was established, whereby all that choose to give security for correctness are at full liberty to print the Scriptures. For the superintendence of this matter a special Board has been created, and their first Report issued during the summer of last year, sets forth the result of their experience in the following terms.

' Among the advantages arising from the abolition of the monopoly in printing, a prominent place must be given to the reduction of price in the various works that were formerly to be procured only from one patentee. The sum already saved to the public in this manner is very considerable ; and, as this saving becomes available chiefly to the middle and lower classes of society in a matter of infinite importance, and to Bible Societies, by which they are enabled to circulate the Scriptures to a greater extent than formerly among those who, though most needing them, would otherwise have been altogether deprived of their instructions and consolations, the money that is saved must be considered as having a value far beyond its nominal amount. It is not merely a question as to the amount of reduction, by the effects of competition, though, even in this respect, it is far from being undeserving of attention, but whether a vast number of individuals are or are not to be put in possession of the sacred Scriptures. In this way a very small diminution of price acquires a magnitude and importance essentially different from what can be predicated in respect of any other article of sale. The difference of a *single penny* in the price of a Bible determines year after year, whether the Word of God is or is not to enlighten and gladden thousands of families.

' The extent to which the prices of Bibles, Catechisms, and Confessions, are to be lowered in price, cannot be ascertained until the works prepared under the new system come more numerous into the market. It is not six months since the printing of Bibles and Testaments commenced under the Lord Advocate's license ; and, though there are several works in progress, no Bibles have yet been published, and only one or two editions of the New Testament.

' The Board understand that a very considerable reduction has taken place in the price of English Bibles sold in Scotland : but they are without documents to enable them to give a statement as to its exact amount ; neither are they aware whether the reduction extends to England ; but they know that Bibles printed in England can be

bought in Scotland, at present, from twenty to thirty per cent. lower than they could have been purchased in England previously to the expiry of the former patent.

‘Already, however, even under the prospective influence of the change of system, a very considerable reduction of the prices of Bibles and Testaments has taken place. By a ‘Catalogue of Bibles, New Testaments, Common Prayer Books, &c.,’ published in April, 1838, by your Majesty’s late printers, as compared with another published by the same parties in July, 1839, there is a reduction in every article, with the exception of certain editions of the Catechism and Confession of Faith; in none that we have observed, is it less than eight or nine, and in some it is as much as thirty-three per cent. The average reduction in the Catalogue of 1839 may be stated at about fifteen per cent. This reduction must be ascribed partly to the importation of Bibles printed in England, and partly to the natural wish, on the part of the former patentees, to preserve the market against those in Scotland who may enter into the field of competition, and avail themselves of their new privilege. Already, however, several editions are in the press; intimation has been given of others; and, when all these come into the market, there cannot be a doubt that Bibles and Testaments will be sold at least a third, and in some instances one half, lower than during the continuance of the monopoly.’

‘Such, sir,’ Mr. Campbell goes on to say, ‘is the testimony of her Majesty’s Board—a body composed of the Lord Advocate, the Queen’s Solicitor for Scotland, the moderator of the General Assembly of the Scottish Church, two clergymen of the Establishment, two advocates at the Scottish bar, and Dr. Welsh as secretary—seven gentlemen of station, integrity, and character. Which is the more entitled to credit, the Board of seven, or Mr. Spottiswoode? Shall we believe a body of honourable and wholly disinterested men, or him who has made his thousands upon thousands by the system which he lauds and upholds? He asserts that, in point of ‘cheapness,’ no ‘other system’ can equal the ‘present’ one of monopoly; the Board maintains, that, under the free trade system, ‘there cannot be a doubt that Bibles and Testaments will be sold at least a *third*, and in some instances *one half*, lower than during the continuance of the monopoly.’ So much for ‘the bare-faced’ assertion of Mr. Spottiswoode! This is one of the ‘fallacies’ which I am seeking to impress, I have reason to believe with some success, upon the people of England.’

Mr. Spottiswoode, in his letter, states, with matchless composure, that ‘whatever glosses may have been put upon the subject, it has never yet been shown to those who would take the trouble to investigate, that equal efficiency or cheapness could be obtained upon any other system than the present for ‘supplying copies of the holy Scriptures to the public.’ In controversy it is a great comfort to have an opponent who speaks in terms that can be dealt with. Mr. Campbell took ‘the trouble to investigate,’ and the following is the extraordinary result.

‘ Before me lies the catalogue of Sir D. H. Blair, dated November 10, 1840, and beside it two of those of Mr. Spottiswoode, procured at the house of Longman, and at that of another of his agents, on Nov. 17, 1840. I select from these documents thirteen of the principal editions as nearly as possible of the same size, paper, and type. In two or three cases of slight difference, the superiority in point of excellence, in our view, attaches to the volumes of Blair. The descriptions of the respective books are in the very words of the catalogues above mentioned.

Mr. Spottiswoode's Prices in sheets.

Quarto Bibles.

£ s. d.

‘ Pica Type, with Dr. Blayney's Marginal References, Apocrypha, Index, &c., fine paper, cold pressed ’ . 2 5 0

Ditto.

‘ Demy Quarto, Pica Type, with Dr. Blayney's Marginal References ’ 0 18 0

Octavo.

‘ Royal Octavo, Small Pica Type, fine wove paper, cold pressed ’ . 0 15 0

Ditto.

‘ Royal Octavo, Brevier Type, with Dr. Blayney's Marginal References and Apocrypha, fine wove paper, cold pressed ’ 0 16 0

Ditto.

‘ Demy Octavo, Brevier Type ’ 0 6 6

12mo.

‘ Nonpareil Type, with Dr. Blayney's Marginal References ’ . . 0 9 0

12mo

Ditto 0 3 6

Sir David Hunter Blair's Prices in Sheets.

Quarto Bibles.

£ s. d.

‘ Blayney's Marginal References, Pica Letter, superfine royal paper, cold pressed, Apocrypha, &c. ’ 0 18 0

Ditto.

‘ With Marginal References, Small pica Letter, demy paper, cold pressed ’ 0 8 0

Octavo.

‘ Small Pica Letter, superfine royal paper, cold pressed ’ 0 6 6

Ditto.

‘ With Marginal References, Brevier Letter, superfine royal paper, cold pressed ’ 0 7 0

Ditto.

‘ Brevier Letter, superfine demy paper, cold pressed ’ 0 4 0

12mo.

‘ With Marginal References, Nonpareil Letter, demy paper, cold pressed ’ 0 3 0

12mo.

Ditto 0 1 8

24mo.		24mo.
'Pearl Type' . . . 0 5 6		'Pearl Letter, cold pressed' . . . 0 1 8
New Testaments.		New Testaments.
Octavo.		Octavo.
'Demy, Pica Type' . 0 3 0		'Pica Letter, crown paper' 0 1 8
12mo.		12mo.
'Brevier Type' . . . 0 1 3		'Brevier Letter' . . 0 0 7
Ditto 'Common' . . . 0 1 0		
24mo.		24mo.
'Minion Type' . . . 0 1 3		'Minion Letter' . . . 0 0 6
'Pearl Type' 0 1 3		'Small Pearl Letter, cold pressed' . . . 0 0 4
48mo.		32mo.
'Diamond Testament' . 0 1 6		'Diamond Letter, cold pressed' 0 0 4
Total £6 7 9		Total £2 13 3

'This first column exhibits the prices of Bibles to the people of England—the regular publishing prices. The prices which, for a short period, have been charged to the Bible Society for certain editions, have nothing to do with the general question;—they are the exception; those above set forth are the rule. This fact has, by Mr. Spottiswoode and his abettors, been carefully kept out of view.

'Englishmen! such are the figures and the facts; such is your advantage and your honor! Yours is the delightful privilege of paying nearly one hundred and fifty per cent. more for the Word of God than is paid by the people of Scotland! Behold the blessings of monopoly! You should also remember, that we are not comparing petty and needy tradesmen, or reckless and unprincipled speculators with Mr. Spottiswoode; a course which might be justly excepted against as a matter of doubtful justice. No; the comparison is between the present patentee of England and the late patentee of Scotland—whose Bibles are in most respects equal, and in some points superior, to those of Mr. Spottiswoode—both of them gentlemen of the first respectability. This is a circumstance of the utmost importance. Nor is this all; Sir D. H. Blair pays duty on every page of his books; Mr. Spottiswoode pays not a farthing! This, too, is a circumstance of considerable moment, since it diminishes the profits of the former and augments those of the latter. You will recollect, also, that Sir D. H. Blair is not, like Dr. Thomson's board, selling his Bibles at prime cost, but at a fair living profit. We must, therefore, add the profits of Sir David and his duty on paper to the nearly one hundred and fifty per cent. profit received by Mr. Spottiswoode beyond the prices of Sir D. H. Blair. What then will be the aggregate profits of Mr. Spottiswoode? How much will they fall short of two hundred per cent.?'

The gist of Dr. Thomson's plan is to raise, by subscriptions and collections, a fund sufficient to purchase stereotype plates for the respective editions which he purposes to publish; and then to give the Scriptures at the prime cost of paper and press work. This measure is every way as beneficial as it is reasonable and practicable. The objections we have seen urged against it are wholly unworthy of notice. They apply with equal—if not greater—force to all Bible, Tract, and Missionary operations. The expense of the plates divided by 200,000 or 300,000, the number of copies which a set will throw off, sets forth a most insignificant fraction against each copy—a fraction so small that it is scarcely worth the trouble of collecting for it. Dr. Thomson thus details his prices:—

‘I am able to speak distinctly as to the prices of the different kinds of Bibles proposed to be published, and that on the authority of estimates actually received from highly respectable printers on both sides of the Tweed. They are as follow; and, on the terms just to be stated, I may notice that some of the Bibles are actually printing, and will soon be completed.

‘1. A Pocket Bible, stereotyping and printing in Scotland, from a very beautiful type, price, in sheets, 11d.

‘2. Another Pocket Bible, of a different size and thinner, of very superior typography, stereotyping in England, but, of course, to be printed in Scotland, price, in sheets, 1s.

‘3. A Small Pearl-Diamond Testament, price, in sheets, 3d.

‘4. A School Bible, the same as that issued by the Edinburgh Bible Society, without the Scotch Psalms and Paraphrases, in sheets, 1s., or 1s. 6d., bound in sheep; with Psalms and Paraphrases, 1s. 2d. in sheets, or 1s. 8d. bound in sheep. The usual selling price of this Bible, in retail shops, has been 3s. Separate portions of it, for the use of schools, could be purchased at the following rates, viz.:—The Prose Version of the Psalms under 1d. per copy; the Proverbs, three copies for 1d.; the Four Gospels, 1½d. per copy; the Acts and Epistles, 1½d. per copy; and the New Testament entire, including Metrical Psalms, Paraphrases, &c., 4½ per copy.

‘5. An Octavo Bible, with Psalms and Paraphrases, printed from a large and bold type, and with fine paper, for the use of the aged, price 4s. 5d. in sheets.

‘6. A Royal Quarto Bible, for the use of families, containing the whole of Brown's Marginal References, making it what he called ‘The Self-Interpreting Bible;’ together with about 5,300 Critical and Explanatory Notes, and Introductory Remarks to each Sacred Book, by his grandsons, the Editors. This very superior Family Bible, the selling price of which, in shops, would not be less, when bound, than from 30s. to 35s. will cost only 8s. in sheets, and 13s. bound in calf.’

Messrs. Renshaw and Kirkman succeed Dr. Thomson, and ex-

hibit estimates which show that his scale may be reached without subscription. Printers of eminence, indeed, will be found ready at once to merge the plates on orders of hundreds of thousands, or on smaller numbers. Messrs. Renshaw and Kirkman have issued the following proposals for publishing Bibles and Testaments printed from the authorized translation, with Brown's valuable marginal references, at prices greatly below those now charged by the Bible Society.

	Proposed prices.	Bible Society's prices.	Queen's Printers' prices to the public.
Nonpareil 12mo. Bible in sheep - -	1s. 6d.	2s. 6d.	4s. 6d.
Ditto in Roan Embossed lettered (a handsome style of binding) - - -	1s. 9d.		
Ruby 24mo. Bible in Sheep - - -	1s. 6d.	2s. 8d.	5s.
Ditto in Roan Embossed lettered - -	1s. 9d.		5s. 6d.
Minion 24mo. Bible in Sheep - - -	1s. 10d.	3s. 4d.	6s.
Ditto in Roan - - - - -	2s. 3d.		7s.
Brevier 12mo. Testament in Sheep - -	8½d.	1s. 1d.	1s. 9d.
Long Primer 12mo. Testament in Sheep -	1s. 3d.	1s. 10d.	
Minion 24mo. Testament in Sheep - -	6d.	1s.	1s. 9d.
Ruby 24mo. Testament in Sheep - - -	5¾d.	1s.	1s. 9d.

The people of Oxford, finding that something must be done, have issued the following advertisement.

‘CHEAP BIBLES AND TESTAMENTS.

‘The following Bibles and Testaments, printed on a less expensive paper, are now in preparation at the Oxford University Press, and will speedily be published, wholesale, on the following terms:—

No.	Bibles (in quires) cash price:	s.	d.	
1.	Demy 4to, ‘English’ type, large letter, for the use of aged persons.....	100	at 7 3	per copy.
2.	Small Pica, 8vo.....	300	— 3 7½	—
3.	Brevier, 8vo.....	300	— 2 8½	—
4.	Minion, Crown 8vo.....	500	— 2 3	—
5.	Nonpareil, Crown 12mo. School Edition	1000	— 1 1	—
6.	Minion, 24mo.....ditto.....	1000	— 1 7	—
7.	Ruby, 24mo.....ditto.....	1000	— 1 0	—
8.	Pearl, 24mo.....ditto.....	1000	— 1 0	—
No.	Testaments (in quires) cash price:			
1.	Brevier, 12mo.....	1000	— 0 7¼	—
2.	Brevier, Crown 12mo, School Edition..	1000	— 0 5½	—
3.	Minion, 24mo ditto.....	1000	— 0 4	—
4.	Ruby, 24mo. ditto.....	1000	— 0 3	—
5.	Pearl, 24mo. ditto.....	1000	— 0 3	—
6.	Nonpareil, 12mo. ditto.....	1000	— 0 3½	—
7.	Nonpareil, 32mo. ditto.....	1000	— 0 3¾	—

		s.	d.	
St. Matthew's Gospel.....	1000	—	0	1 per copy.
St. Mark's ditto.....	1000	—	0	1 —
St. Luke's ditto.....	1000	—	0	1 —
St. John's ditto.....	1000	—	0	1 —
The Acts of the Apostles.....	1000	—	0	1 —

This table is, in certain material points, both defective and deceitful. Our space at present forbids analysis and discussion, else we could easily show that, the monopoly apart, it is a very unsatisfactory document. But this matter will no doubt be sifted by those who are watching the movements of the monopolists; to them, therefore,—and especially to the editors and correspondents of the *Patriot*, who have labored in the cause with a zeal so ardent and persevering, and a success so signal—we leave it. After this table we shall hear no more of ‘exaggeration,’ ‘absurdity,’ ‘impossibility,’ and so forth. The Oxford University, which does more Bible business than Cambridge and Mr. Spottiswoode united, has turned queen’s evidence against the other monopolists. The case against them is now fairly made out; and it only remains for the people of England to pronounce judgment, and to see that the sentence be fully executed. With us price and quality are very great matters, but we are far from setting lightly by the principle. The detestable monopoly still remains! We earnestly desire to celebrate its funereal obsequies! We long to see it laid in the grave of its forgotten sister, the mother of the almanack imposture! O for another Carnan to assert the liberty of the press in respect of Bible circulation—the great object, doubtless, for which heaven bestowed the art of printing on mankind!

To Dr. Thomson, the honored originator of the present movement, we beg to tender our cordial thanks for the signal services which he has rendered to England and to the world by his efforts in this great work. He has aroused not a few minds of powerful grasp and various knowledge, who have in divers ways effectively co-operated in furtherance of the same object. It is needless, we trust, to recommend to our readers the careful perusal of his instructive letter to Lord Bexley, as also of the letters of the author of ‘Jethro,’ which exhibit the subject in all its varieties of aspect.

The contemplation of the foregoing tables and commentaries will surely awaken the attention of our readers to the true nature of the system which has hitherto prevailed in this kingdom. The Bible monopoly is one of the most scandalous abuses of our age and country. Truly may we say with Mr. Martin, in the great parliamentary debate upon patents in the days of Elizabeth, ‘the monopolitans are the bloodsuckers of the commonwealth!’ The profits of this single monopoly to a few

individuals, for a long series of years, have been at least twice, if not nearly thrice, the amount of the parliamentary grant bestowed even so late as 1840, for the education of all the youth of this mighty nation! Wisely appropriated, the profits of this monopoly during the last fifty years, might have sufficed for the creation and sustenance of a thorough system of education for every boy and every girl in England. Is the dreary reign of remorseless rapacity to endure for ever? Is the discreditable patience of England not yet nearly exhausted? Will she not at length open her eyes to the fatal and all-pervading operations of this most unjust, and most iniquitous restriction? If it be only, like the patent for almanacks, a shadow, is it not time to look through the mist, and to dissipate the deadly delusion? If it be a legal reality, is it not the first duty of the whole population resolutely to assail it by all constitutional means? The opposition of this enormous evil is not a matter of taste or choice, but of high and solemn obligation. No friend of his country can safely keep back from the struggle; no Christian can, with a good conscience, stand aloof from it! With its abolition are bound up the dearest interests of the churches of Christ at home, and the salvation of all nations.

THE CHRISTIAN OBSERVER.

In the 'Christian Observer' for December last, the Editor has been pleased again to honor the Eclectic Review with his notice, and the mode of his doing so has afforded another illustration of the disingenuous spirit of which we have previously had occasion to complain. The reference occurs in a long note appended to a communication from the Rev. Dr. Pye Smith, whose admirable spirit honorably contrasts with that of his commentator. To the general strictures passed upon our Journal we have no intention at present to refer; it is enough to remark that, without claiming infallibility for ourselves, we plead 'Not Guilty' to the charges preferred by our contemporary. Our object in referring to the 'Observer' respects more particularly the following sentence:

'So much in strict argument; but we have no intention of availing ourselves of this latitude, for even in the speeches, writings, and doings, of the particular class to which our correspondent himself belongs, we could point out much, alas! that is neither 'peaceable' nor 'equitable;' for, as the Eclectic Review oracularly said, in an oft-quoted passage, 'Pure attachment to dissenting principles requires to be kept up in minds of a certain class [say nineteen twentieths of the lay-members, and many of the ministers] by a keen hatred, and now and then a little round abuse, of the Church.'

—*Christian Observer*, p. 723.

Our first impression on reading the passage was that of surprise, our second that of incredulity. We taxed our memory to the utmost, but could recall no such sentence as is here quoted, and our most diligent examination of the past numbers of our Journal was equally unproductive. We therefore addressed a note to the Editor of the 'Christian Observer,' requesting to be informed where the passage quoted from the *Eclectic* might be found, and expressing our conviction that if adduced with verbal correctness, the context would be found greatly to modify the sentiment expressed. The result has fully justified our conviction, as appears by the following editorial note inserted in the 'Observer' for January.

'We have received the following from the Editor of the *Eclectic Review* :

'Sir,

20th December, 1840.

'In the *Christian Observer* for this month, page 728, an extract from 'The *Eclectic*,' entitled by you 'An oft-quoted passage,' is made, which I have been unable to trace out. Will you therefore oblige me by informing me where the passage may be found. I have no recollection of it whatever, and am persuaded that if quoted correctly, its meaning must be greatly modified by the context. Apologizing for the trouble thus given you,

'I remain, Sir, your obedient servant,

'34, Paternoster Row.

'THE EDITOR OF THE *ECLECTIC*.'

'We of course comply with this just and reasonable request. The passage referred to will be found in the volume for 1832, p. 144. We did not give it as new, but as an 'oft-quoted passage.' It occurs in a long and elaborate paper, written in so much more kind and candid a spirit than that which too many Dissenters (and some of the writers in the *Eclectic* among them) have evinced in later years towards the Church of England, that we gladly recur to it. The immediate context contains a statement to the effect that some Dissenters, by their intercourse with pious Churchmen in the Bible Society, had found (as *we* should express it) their prejudices diminish; so that in this way the Anglican Church has been benefited by the alliance. But the writer intimates that this abatement of virulence was not pleasing to all Dissenters; for that some considered that 'pure attachment to dissenting principles requires to be kept up in the minds of a certain class by a keen hatred, and now and then a little round abuse, of the Church.' The writer clearly intimates his own opinion that such barbarous warfare was not lawful; he would doubtless have wished that all men should become Dissenters by sound scriptural reason, without invective; but his admission that he differed from some of his brethren in this matter was for this very reason the more oracular.'

—*Ib.* for January, p. 62.

Upon this passage we remark, that the responsibility of the sentence in question does not rest with the present editor of the 'Eclectic,' it having appeared nearly five years before the commencement of the new series. He believes the statement to be founded in error, and to be calumnious towards those whose spirit it was intended to describe. But further, and to this point we invite special attention, it now appears that the paper from which this sentence is quoted is 'written in so much more kind and candid a spirit' than is common to Dissenters that the Editor of the 'Christian Observer' 'gladly recurs to it.' This is sufficiently satisfactory so far as the candor of our Journal is concerned, but whether it was equally honorable to the candor of our

contemporary to detach such a sentence from its connexion in order to involve 'nineteen twentieths of the lay members, and many of the ministers' of the dissenting body in a charge of most unchristian and disreputable conduct, we leave it with the 'Observer' to determine. We have already expressed our belief that the statement is inaccurate, and though it may consist with the morality of party tactics to avail itself, as the 'Observer' has here done, of the divisions existing amongst opponents, we deem such a proceeding to be utterly incompatible with the higher code of morals by which our religious periodicals should be regulated.

Here we might close our remarks, had not our contemporary, feeling apparently that he had done the 'Eclectic' injustice in this matter, sought to strengthen his case by a reference to a recent article in our *Journal on the Book of Common Prayer*. We were aware, at the time we gave insertion to that Article, that it would offend the prepossessions of many members of the Established Church; but justice to our own convictions of what was due to the religious interests of our countrymen did not permit us to hesitate as to the course we should pursue. As, however, our representation of the character of the Prayer Book has subjected us to misapprehension, we must crave permission to add a word or two in explanation. In affirming the Prayer Book to be 'the most dangerous and injurious book which the English language contains,' we had no reference to the Morning and Evening Service of the Church, nor did we design to affirm, in the sense intended by the 'Observer,' that it was 'worse therefore than the works of Tom Paine and the tracts of the Socialists.' These publications have been the source of *unmixed* evil—not so the Prayer Book. We freely admit, and rejoice to do so—yea in the very Article itself we have done it—that thousands of devout men and women do every week, with a pure heart and humble voice, accompany the minister to the throne of the heavenly grace, using the prescribed language of prayer and praise.' But whilst the piety of many episcopalians has been nourished by some of the devotional forms of their church, we have a strong conviction that the unscriptural errors which, with fatal consistency run through the occasional offices prescribed in the Prayer Book, have proved, and are still proving to the great mass of our population, the source of spiritual delusion and eternal death. The same authority which teaches the child that in baptism he 'was made a member of Christ, a child of God, and an inheritor of the kingdom of heaven,' proclaims to all bystanders at his grave—however irreligious or even profligate may have been his life—that it 'hath pleased Almighty God of his great mercy to take unto himself the soul of' the deceased, and that his body is therefore committed to the dust 'in sure and certain hope of the resurrection to eternal life through our Lord Jesus Christ.' The sanction of the church—which, be it remembered, is in the judgment of thousands the sanction of religion—is thus daily given, in terms too explicit to be misunderstood, to an open and palpable lie,—a lie which sets at defiance the plainest statements of the Word of God, and tends beyond all other delusions to pervert the faith and ruin the souls of its members. Many pious episcopalians, and not few of the clergy, have groaned

under the conviction of the truth we allege ; and is it then too much to apply the terms which we have employed—strong as we admit those terms to be—to the book in which such soul-deluding errors are clothed with all the weight of spiritual authority ? The infidel publications, referred to by the ‘ Observer,’ have operated only within a narrow circle and through a very limited period of time, whilst the delusion thus sanctioned by the Prayer Book has descended through successive generations, and moulded to practical ungodliness the great mass of our countrymen. The influence of the former has been very circumscribed, that of the latter almost universal ; the one has been productive, on a small scale, of unmixed evil, the other of an aggravated and far wider form of irreligion, the more fatal from its having been mistaken for the truth of God. ‘ If the light that is in thee be darkness,’ said our Saviour, ‘ how great is that darkness.’

We trust that we have said enough to place our meaning beyond misconception, as well as to relieve ourselves from the charge of sectarian bitterness, which has been so liberally preferred against us. To the pious members of the Established Church—and more particularly to such episcopalians as are advocates of the voluntary principle—we say with all sincerity that it is no part of our mission, and is utterly foreign from our hearts to wound unnecessarily their feelings. If we have written strongly, it has been because we believe—whether correctly or not—that the case involved the welfare of souls and the honor of our common faith. Let them therefore candidly place themselves in our position, and then say whether, with the convictions we have avowed, we could honestly have done other than we have done. We might easily adduce from the writings of pious churchmen statements substantially similar to our own ; but must content ourselves with referring to those which were quoted in the article to which the ‘ Observer’ objects.

A Letter to the Editor.

Homerton, Jan. 11, 1841.

MY DEAR SIR,

It is with strong reluctance that I take upon myself thus to address you : but I trust that you and all candid persons will not disapprove of my so doing. I act solely upon my own responsibility, without any instruction or request from any person whatever.

The very able and interesting article in your last number, upon *The London University and the Colleges connected with it*, is introduced by an enumeration of nine printed documents, as the basis of the discussion. Among those are the *Reports* of three Dissenting Colleges, *Highbury, Stepney, and Spring Hill* ; but that of the oldest of existing institutions of this kind among Protestant Dissenters, *Homerton*, is not mentioned.

I have no doubt but that this omission has been the result of inad-

vertence ; or it may be that the Homerton Report, printed in September, may not have fallen into your hands. Moreover I fear that the authorities of our academy have been too backward in giving publicity to their own proceedings. For many years, they have systematically refrained from inserting narratives of the Annual Examinations in periodical works ; for the reason that a meagre recital would be unsatisfactory, and that full details might wear a semblance of ostentation. This reserve has perhaps been carried too far, and thus may have produced an impression upon the public, that we are supine and sullen or that we are indifferent to the opinion of our Christian friends, or that we need not their aid in the way of pecuniary subscriptions. Any one of these surmises would be far from the truth.

By the infinite mercy of the Most High, the person who now addresses you has been brought into the forty-first year of sustaining office as a Tutor in this seminary. The last year, God has blessed me with a colleague, the Rev. Henry Lea Berry, M.A., whose Christian excellence, his attainments, and his devotedness to his great work, fill me with gratitude and encouragement. A man of decided piety and firm dissenting principles, Robert Wallace, Esq. one of the Professors in the College of Engineers at Putney, attends at stated seasons to instruct our students in Mathematics and Natural Philosophy. By the Divine blessing upon the care and liberality of our Committee, we are thus richly provided with the means of improvement.

Our term of study is six years ; which however may be reduced to five, or even a shorter period, by the result of previous advantages and superior diligence : but our new circumstances of connexion with the London University will probably render such reductions of the time much less frequent than they have hitherto been. Three of our young brethren have lately concluded their courses with honor, and have been called to the pastoral office in important stations and with encouraging prospects. The present number of students is sixteen.

I am, my dear Sir,

Yours most respectfully,

J. PYE SMITH.

Brief Notices.

Historic Illustrations of the Bible, principally after the Old Masters.
Divisions I. and II. London : Fisher.

One of the best and most beautiful of the numerous works of art which have been produced by the Messrs. Fisher. Each division contains twelve highly finished engravings from paintings executed by the most distinguished masters of ancient and modern times, and the whole when completed will form an elegant and not uninteresting companion to the sacred volume. 'In these illustrations corporeal expression of spiritual beings is carefully avoided, as well as everything that appeared to approach the great Author of our being with familiarity. In

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